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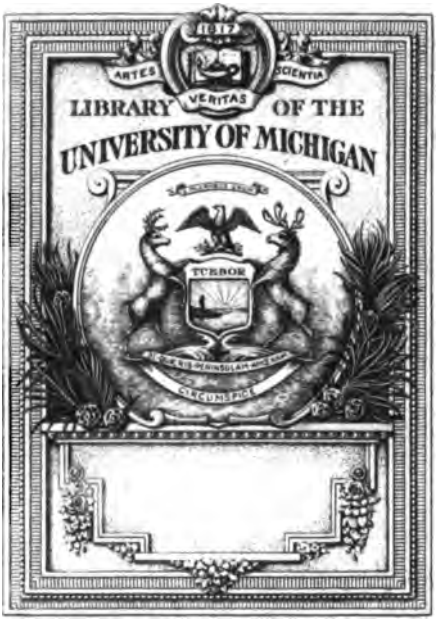

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TRANSACTIONS

OF THE

COMMONWEALTH CLUB

OF CALIFORNIA

VOL. XV MARCH, 1920 No. 1

A Standard of Value

The object of the Commonwealth Club shall be to investigate and discuss problems affecting the welfare of the Commonwealth, and to aid in their solution.—Constitution, Article II.

The Commonwealth Club shall maintain itself in an impartial position as an open forum for the discussion of disputed questions.—By-Laws, Section 10.

SAN FRANCISCO, CALIFORNIA

1920

VOL. XV MARCH, 1920 No. 1

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TRANSACTIONS
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COMMONWEALTH CLUB
OF CALIFORNIA

VOL. XV SAN FRANCISCO, MARCH, 1920 No. 1

A STANDARD OF VALUE

As a part of the investigations by the Club's Section on Industrial Relations, certain plans for the stabilization of the dollar were taken up and a report prepared for the Club. The Club Meeting of Thursday, February 19, 1920, was set aside for a preliminary discussion of the subject and the following were requested to prepare statements:—

Edwin R. A. Seligman, Professor of Economics of Columbia University, on "The Economic and Political Aspects of Plans for a Compensated Dollar."

C. E. Grunsky, Civil Engineer, President of the Commonwealth Club of California, on "A Commodity Unit to Supplement Money as a Standard of Value."

Norman Lombard, of San Francisco, business counsel, on "The Fisher Plan for Stabilizing the Dollar."

At the conclusion of the presentation brief discussion was had from the floor by Edward F. Adams, John E. Bennett, David Atkins and Russell Lowry.

The discussion was then ordered printed for the information of the members.

SYNOPSIS OF ADDRESSES

At this meeting C. E. Grunsky presented diagrams to illustrate the decreasing purchasing power of the dollar. He attempted to make clear that the function of money as a standard of value fails whenever the time element enters into a transaction. He would have money continue to serve as a medium of exchange as at present, but would supplement its use with a commodity unit which he calls a "com," which would serve as the standard or norm of value in all transactions which extend for a considerable time into the future. He uses as a base period for comparison to determine the relation between a dollar and a com the ten years 1900 to 1909. He holds the use of a supplemental unit of value to be essential and practical, and illustrates how

salaries and wages and all other future payments could be stabilized by defining them in terms of things which the individual and the family requires to live in comfort—food, fuel, clothing, education, recreation, and the like; in other words, by specifying "coms" insteads of "dollars," and then in consummation of any transaction, making payment in dollars according to the relation which then prevails between the "com" and the dollar.

The Irving Fisher plan, advocated by Mr. Norman Lombard, is based on the same fundamental truth,—that the money unit is not a standard of value for deferred payments; but Prof. Fisher's plan would make the commodity unit on the "goods dollar" the basis of the circulating medium. He proposes to accomplish this by shifting the weight of the dollar (or the amount of gold bullion exchangeable for a gold certificate) up or down, according as the purchasing power of the dollar (as measured by the index number of prices) goes down or up. Thus the purchasing power of the gold certificate is to be kept constant in terms of goods, while the weight of the dollar is allowed to fluctuate.

Prof. Edwin R. A. Seligman expressed certain doubts of the practicability of the plans, especially with regard to foreign exchange, the incomes of individuals, and taxes on incomes or profits:

Meeting of February 19, 1920

The regular monthly meeting of the Commonwealth Club of California was held at the Hotel St. Francis, San Francisco, on Thursday, February 19, 1920. President C. E. Grunsky presided. Following the dinner and business meeting a recess was taken, after which the President called the members to order as follows:

Remarks by President Grunsky

THE PRESIDENT: The question of "The Shrinking Value of the Dollar" was brought to the attention of the Industrial Relations Section, because of its immediate bearing upon the relations between employer and employee, and it has received consideration by that Section of the Commonwealth Club, however, without the Section having taken any action. I will ask its chairman, Mr. Rettenmayer, to introduce the subject of the evening, and to explain the attitude of the Section.

Remarks by J. P. Rettenmayer

MR. RETTENMAYER: The question of monetary standards was brought to the attention of the Section on Industrial Relations during the past year. Realizing the importance of the question of stabilizing the purchasing power of the dollar and recognizing the need of careful study, a sub-section was appointed under the chairmanship of Mr. Norman Lombard. His committee presented a majority and minority report on the subject, both of which were briefly discussed by the Section and then referred to its members for study. President Grunsky presented an outline of his plan to the Section with a number of charts indicating the fluctuations of values covering a long period of time.

The necessity of a more stable standard of value has become more and more apparent. A change or correction of our present system is advocated by economists, statisticians, bankers, business and professional men, editors, chambers of commerce and other organizations through the recognition of the principle and endorsement of certain plans. Through credits and currency inflations and many other causes, the value of the dollar in terms of commodities has declined materially during the war and the post-war period, which has resulted in loss to investors and brought hardships, suffering and deprivation to certain classes of wage-earners and salaried employees. The continuous decrease in the purchasing power of the dollar—or as more commonly expressed—the increase in the cost of living—is cited as the cause for many of our industrial ills.

While the principle appears sound and some plans promising of great improvement or correction of the present fluctuating and unsatisfactory standard of value, the Section has not sufficiently studied this involved and technical question to draw any conclusions or to endorse any plan which has come to its attention. However, the Section recognizes the gravity of the subject, the need of study and its importance to every person in the community and its influence on industrial relations.

The Section appreciates the opportunity to present through the speakers of the evening to the members of the Club the interesting topic, "The Shrinking Dollar."

A Commodity Unit to Supplement Money as a Standard of Value

BY C. E. GRUNSKY

MR. GRUNSKY: During the last few years it has been brought home to millions of people in this country and abroad, that there is something radically wrong with the functioning of the generally approved and accepted monetary systems of all civilized countries. The rapid decline of the purchasing power of the money unit, whether the same is called pound, dollar, franc, lire, mark, ruble or yen, has been one of the immediate results of the world war. This has set the masses to wondering and to thinking. They are astounded at the sudden very considerable shrinkage in the value of long-time credits and the country's best thought is directed toward finding a remedy. Credits in the sense in which here used should be considered to mean the right to obtain a specified, definite sum of money at some future time. There has been shrinkage of the real value, not only of the bond which was bought four or five years ago, its value being measured by the desirable things which the money which it commands will buy, but, also, in every wage and salary which has not been increased in full correspondence with the increase in the cost of living. When employment is accepted at an agreed wage or salary it is ordinarily understood that the wage or salary will continue either for a fixed term or for an indefinite time in the future. In either case time is an element which enters into the transaction, and whenever any considerable length of time must elapse before the transaction is complete the parties thereto are, in a sense, speculating. They stand to gain or lose in direct proportion to the change in the purchasing power of the dollar (the dollar representing any money unit) during the time covered by the agreement or contract involved in the transaction.

To illustrate: In the first six months of 1919 the dollar in the United States was worth only forty-three per cent as much as, on an average, during the ten-year period 1900 to 1909. This applies to the gold dollar, its value being measured by the amount of the multiplicity of things, as required by an average family, which it will buy. This great change in value is due to the new economic conditions resulting from the war—such as inflation of currency, war debts and high taxation. The bond holder has sacrificed, when measured in desirable things which money will buy, more than one-half of that portion of his wealth which he holds in long-time credits. But he is not the only loser. The salaried class have likewise been hard hit during the same period. Salaries, more particularly those of men

and women in the public service, school teachers, post office employees, firemen, policemen and public officials and also those of clerks, and the whole class of salaried professional men—not to forget the clergy, have remained comparatively stationary. It is this salaried class, dependent as they ordinarily are upon their immediate earnings to meet their family requirements, which has had to stint itself. Here will be found the real sacrifice with a resultant reduction in the standard of living, temporary it is hoped, which has, it may well be said, been almost universally accepted as a necessary sacrifice for the welfare of the country. There has been but little complaint and yet, "the worm will turn," and there are signs everywhere that the bearable limit has been passed. Relief is being discussed and the discussion is resulting in organization and recourse to methods akin to those of labor unions in order to effect through numbers, what individual effort has failed to secure.

The owners of real estate and the wage earners taken in the aggregate, are among those who have been least affected by the decline, in recent years, of the purchasing power of the dollar. The real estate owner finds that property values—measured by the dollar—have gone up, though not perhaps in the same proportion as the value of the dollar has gone down. The wage earner, well organized, has kept close watch of the increase of cost of food and other necessities and has made demands from time to time for increase of compensation, which to the extent of their reasonableness gauged by the increased cost of living, he is bound to secure in the long run. He has, moreover, not been backward in asking for all that circumstances would allow. Statistics compiled by the United States Department of Labor show a result in this matter which is illustrated by the diagram Fig. 1.* In this diagram there is presented a line which shows the relative cost of living based on the market prices of some 250 to 300 commodities and for comparison a second line showing the relative changes in the wage scale. The standards of comparison in both cases are the average conditions which have prevailed during the years 1900 to 1909 (incl.), and which have been placed at 100 per cent. It will be seen that the cost of living during the year 1918 was about 225 per cent—an increase of 125 per cent over that in the first ten years of this century and that wages were at 209 per cent or an increase of 109 per cent. The fair correspondence of these lines during the twenty-nine years covered by the records, shows how sensitive the wage scale is and how quickly a change in the cost of living is followed by a change in wages.

* See note at the end of this paper for sources of information.

FIG. 1

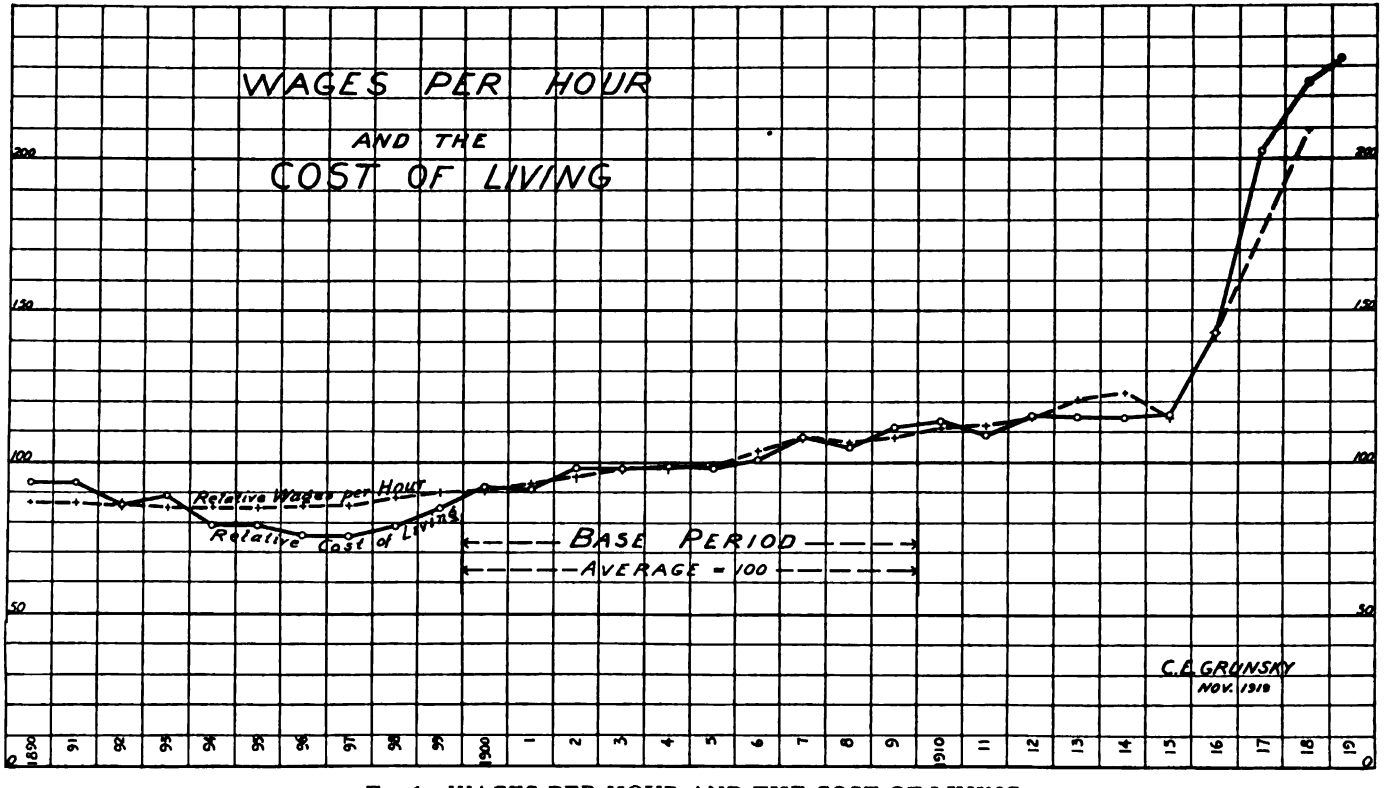


FIG. 1. WAGES PER HOUR AND THE COST OF LIVING.

The index numbers shown in this diagram have been calculated from the index numbers determined by the Bureau of Labor Statistics of the U. S. Department of Labor from the wholesale prices of a large number of commodities (now over 290 articles). Being weighted averages they may be considered to represent the relative cost of living. Some portions of the curve showing wages per hour were determined from wages in 192 occupations, others had to be determined from wages in but a few industries. The curve is offered subject to correction.

The question naturally presents itself whether means could not be found to eliminate the speculative feature from contracts involving a future transfer of money from one person to another. Is it desirable, or necessary, in other words, to specify the dollar as the unit of value when a deferred payment is involved? The money unit is a definite quantity of some metal such as gold or silver of prescribed fineness. This unit is defined by the government and is commonly, practically universally, accepted as a standard of value. It, however, falls far short of being a satisfactory standard, though admittedly a convenient one. It is not, in fact, a standard at all, or, at best only a momentary standard. It has, even in our own country, lost more than one-half of its value during the five years of the war. Value expresses the measure of the desirability of anything and this value can only be determined and expressed by comparison with other things which are desirable. Money is desirable because it can be exchanged for other things which are necessary or are desired for human comfort or pleasure. In view of the defects of money as a standard, having value which changes in consequence of currency inflation or depletion, and from other causes, some other less variable standard of value as a substitute for or to supplement money when functioning as a standard of value, must be found. This is not to be sought among the metals but rather among the things which in civilized communities are necessary to meet the wants of man. The ideal and, what would appear to be the natural unit of this character, is that, which, in any country, is made up of definite quantities of staples such as food and fuel, iron and each of the many other things which a family requires to live in ordinary comfort— each of these several things in fairly close proportion to the family consumption thereof in some unit of time.

The introduction of such a commodity unit into the industrial and business life of the country would be simple. Money would still be necessary and would continue to be used as a medium of exchange, as at present, in all ordinary transactions involving only a negligible time element. Purchase and sale transactions would be conducted as at present, cost being determined and the price fixed in terms of money. Money would, however, then be used alongside of such a norm with certain limitations easily recognized which should long ago have been prescribed.

Let the proposed unit, for example, be called a "com" (abbreviated from com-modity unit) and let it be supposed that to start with the quantities of each of the 250, or more, things which the U. S. Department of Labor takes into account when it fixes the

general commodity "index number" have been determined which, in the proportion of family consumption, would at the average wholesale prices during the ten years, 1900 to 1909 (incl.), have been purchasable for some round number of dollars, say $1000. One thousandth part of these several quantities considered collectively, will then be one com. Once fixed in this fashion and defined by congressional action, the com would remain a definite, permanent legal unit until modified—should such modification become necessary—by later congressional action. The real value of the dollar would, upon adoption of such a unit, thereafter be expressed in coms or by inversion, as is now the practice, the number of dollars equivalent to a com or to 100 coms would be noted from day to day, from month to month and from year to year. All payments would be made as they are today in money, the amount of currency equivalent to any number of coms being ascertained by the simple process of multiplication.

Is the com as a measure of value necessary? Is it practical? Although the first question has already been answered, a few more thoughts on this phase of the problem may be pertinent. Fair compensation for service rendered should never fall below the point a little better than just affording a reasonable living. No condition which prompts the offer of service at less than this lower limit can be other than temporary and can only lead to discontent and ultimately to economic revolution. Whenever proposed compensation for services is expressed in terms of money without further provision, as has heretofore been the universal custom, the agreement to pay carries no assurance of being continuously, that is, for an indefinite time in the future, sufficient to meet the above specification. It may be adequate at the time the agreement is entered into but who can foresee to what extent the value of money may change? In making such agreements something else besides the immediate adequacy of the wage or salary requires consideration. There have been times in the history of all civilized countries and there will be others, though, perhaps, never another as distressing as the one of recent years, when the prices of commodities were, are or will be rising rapidly and the value of money was, is and will be correspondingly lessening. There is, at such times, an increase in the money requirements of the family. The prevailing salaries and wages become inadequate. Something must be done. The employee demands relief. The employer, in such circumstances, reluctantly accedes to the demands of his employees and adds the resulting increase of cost to the sale price of his output. But the generally

accepted remedy, the granting of more pay, is at best only a temporary expedient.

Scarcity of labor is not responsible for high prices. It may be assumed that there is and always will be an abundance of labor to produce and to distribute the things that man demands in order to live in comfort. High prices are themselves an adequate stimulant to the production in quantity of all varieties of things which are in demand. But the occasional periods during which there is a rapid advance of what is commonly called "the cost of living" have the gradual but none the less certain effect of reducing the amount, despite their possible abundance, of the desirable things which the family can afford. The standard of living at such times gradually comes down when considered by averages for an entire nation.

A rise in the cost of living is always sure to accompany or to closely follow an inflation of currency and will, naturally, prevail when countries are running heavily into debt—when, in consequence, taxes are high and the individual strives to earn more dollars than theretofore with the same output of effort, in order that the greater number of dollars wanted by the government for taxes, and required to meet his family requirements, shall be forthcoming. The value of the money unit measured in terms of commodities is at such times dropping down. Everybody wants more of the currency for every service performed. Wages must go up. All prices rise, and as they rise there is new demand for higher wages and salaries. Some one has said that the movement thus goes on in an endless circle. The illustration would perhaps be more apt if an ever widening spiral were substituted in the illustration for the circle. There has been no remedy, for such conditions heretofore, except as found in the succeeding periods of business depression such as have been recurrent with rather surprising regularity at intervals of about 20 years. At such times the over speculation incident to rising values, frequently inflated, particularly of land, has passed its crest. Appreciation has been forestalled. New investments in land cease. Loans are called in and cannot be paid. Government and other employees are discharged. Public improvements are stopped. Taxes are reduced. The volume of business shrinks. Capital becomes timid. The value of the dollar goes up. Everybody by spending less and curtailing requirements below normal contributes his share to make matters worse. But hard times as a remedy for high prices implying the reduction of the great mass of people to a condition in which means are lacking with which to buy the cheapening necessaries, is worse than the feverish condition

of business activity at the other extreme when every one complains of high prices.

Under these possible extremes an adequate wage which is to persist for an indefinite time can not be satisfactorily defined in terms of money. Compensation must be fair alike to the employee and the employer. The latter will always make it his endeavor to secure services that are satisfactory at the lowest possible rate. The former will contend for a living wage and in the long run will accept nothing less. Agreements momentarily satisfactory to both parties may be reached; but there is no certainty, so long as money is named as the consideration, that during the period which the agreement is to cover—generally an indefinite future—the compensation will always buy as much shelter and clothing, and food, fuel, education and recreation as it would at the time when it was agreed to be fair and adequate. This element of uncertainty, this speculation in futurities can be successfully eliminated, as has already been stated by the use of the commodity unit in all such agreements instead of the dollar. How necessary this substitution has become is made apparent in the two diagrams, Figs. 2 and 3, in which the variable purchasing power of the dollar is graphically illustrated. These diagrams cover the period from 1890 to 1919. Both are based on the index numbers determined from time to time from the sale price of some 250 to 300 commodities by the U. S. Department of Labor. It has been assumed in the preparation of these diagrams that the fluctuation in the purchasing power of the dollar as shown by the index number is in substantial agreement with those that would appear if the commodity unit as heretofore defined had already been in use. The line in Fig. 2 shows the number of dollars that would have been required from time to time to purchase 100 commodity units. The broad vertical lines in Fig. 3 show the number of coms, or commodity units which $100 could have bought. The base period for both diagrams is the ten-year period from 1900 to 1909 (incl.). This was a period of fairly normal conditions. It is more suitable as a base period than the preceding 10 years (sometimes used by economists), for the reason that these earlier years cover a period of business depression in which the dollar had more than normal purchasing power.

Inspection of Fig. 2 shows that $76 in 1896 and 1897 would buy as much as $100 on an average in the first ten years of this century, that $113 to $115 were required in 1912 to 1915 to accomplish what $100 could do in the basic period and that in the first half of 1919 it has required over $230 or more than twice as much to buy the

FIG. 2

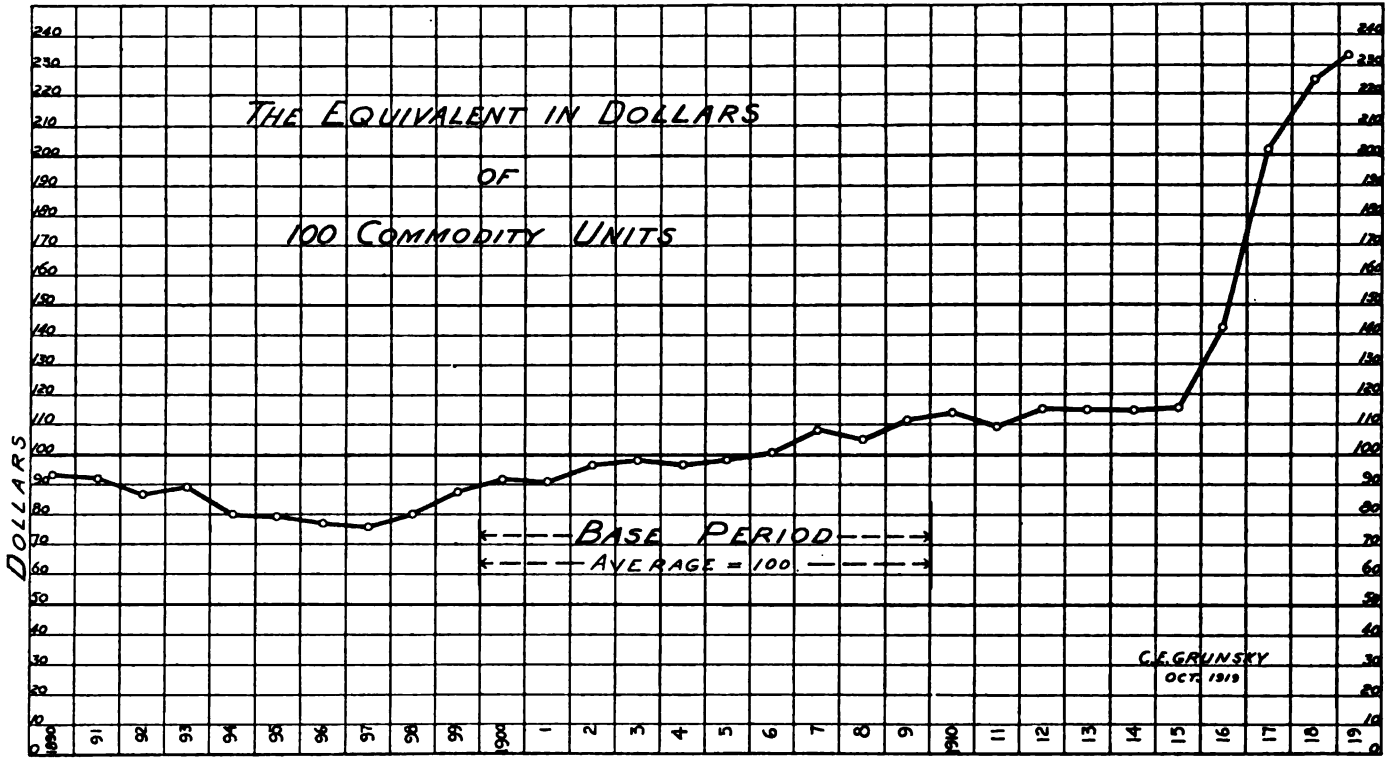


FIG. 2. THE EQUIVALENT IN DOLLARS OF 100 COMMODITY UNITS.

This diagram is based on index numbers determined by the Bureau of Labor Statistics of the U. S. Department of Labor, from the wholesale prices of a large number of articles (now more than 290) which taken collectively in the proportion of annual consumption, and at the average prices of the 10 years, 1900 to 1909, have been used to establish a Commodity Unit—called for convenience a "com."

F.IG. 3

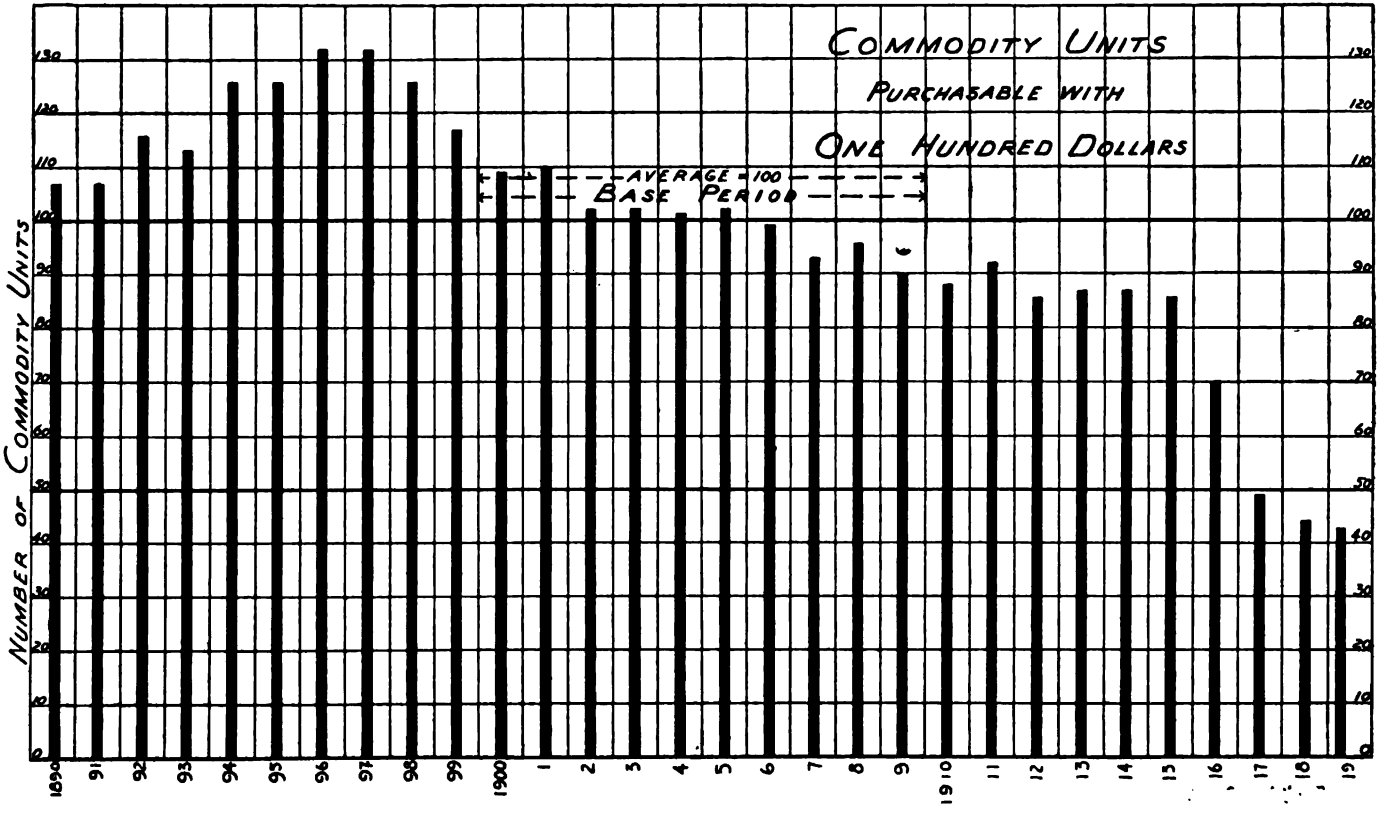


FIG. 3. THE NUMBER OF COMMODITY UNITS PURCHASABLE WITH ONE HUNDRED DOLLARS.

This diagram is based on the general index numbers for all commodities, as determined by the Bureau of Labor Statistics of the U. S. Department of Labor.

commodities which $100 would buy in the first decade of the century. From Fig. 3 it appears that the number of commodity units which $100 would buy was 132 in 1896 and 1897 to be compared with 100 in the first decade of this century and with only 43 in the first six months of 1919. The necessity of using the "com" as a standard of value, when time is involved, instead of a money unit appears without further argument.

Turning now to the question as to whether it would be practical to introduce a commodity unit to serve alongside of the money unit the following possibilities, subject to more or less modification during the transition period, may serve as illustrations.

Take first an industrial establishment such as a factory with an output which is placed on the market at the fair average cost of production plus a profit. The labor item, rents and perhaps, too, the cost of borrowed capital, would in this case be computed in coms, other items in dollars. That increment of cost which is expressed in coms would be converted into dollars, according to the prevailing money equivalent of the com which would be ascertained at intervals of a month or more and the sale price would be modified from time to time to the extent that the variable money equivalent of the com affects the cost of production.

The retail merchant would have no greater difficulty than at present in marking his goods. He would pay his clerks in coms, perhaps his rent also, and based on the proportion of the cost which is incurred in coms and the fluctuating number of dollars in a com he would, from time to time, add to or take from his listed prices. Ordinarily the change in the value of the dollar would be so slight that within the time that goods are on his shelves no remarking would be necessary.

The capitalist, too, would soon learn how to take advantage of the protection which a commodity unit would afford him. Why should he not, in making a loan, express the amount thereof in terms of coms instead of in terms of gold coin? He would have loaned 1000 coms instead of $1130 in 1910 and when his capital was returned he would have gotten back 1000 coms which in terms of money might then have been equivalent to more or less than $1130 according to whether the value of the dollar had gone down or up. Under our present system as already stated every promise to pay a definite number of dollars at a future date involves a speculation in the rise and fall of the value of the dollar. Thus, for example, the bond holder, no matter how dependable his securities, finds that during the five years 1914 to 1919, the bonds which he holds have

shrunk to less than one-half of their original real value (from 87 coms per $100 to 43). He may be as well off in dollars as he ever was, but the part of his wealth in credits, measured by the desirable things which his dollars will command, has nevertheless been taken from him to the extent of one-half. Money in this period has been made more abundant, and has been made to flow more rapidly, so that more units thereof are now required to accomplish any particular purpose than before the war. Had such promises to pay, as the capitalist holds, been in commodity units the government would have had no power by inflation or otherwise to destroy the accumulated wealth of the individual unless he was foolish enough to hoard dollars. All governments of countries which are heavily in debt naturally favor a decline of the value of the money unit because this decline carries with it a reduction of the tax burden. Our national debt of $20,000,000,000 or more with the dollar now at only one-half of its pre-war value, is no greater burden for the nation to carry than $10,000,000,000 would have been before the phenomenal shrinkage of the purchasing power of the dollar. If all things were managed fairly, every one should now be earning a little more than twice as many dollars as five years ago and should consequently be able, without feeling the additional burden, to pay twice the amount of taxes of the pre-war period. For the capitalist, however, who finds his bonds and other securities shrinking in value, there has been no relief. His sacrifice is real and he must expect no protection under the prevailing conditions. He, too, however, would hereafter get protection, as already stated, if some plan were adopted of expressing value in terms of commodity units. The banker would continue to deal in money as he does today except, however, that he would have recourse to the more stable unit of value, the com, when he lends money for a period of such duration that the value of the money unit may materially change, before the loan becomes due.

Rents, salaries and wages would be specified in coms and not in dollars. In the case of the government employee whose prospective compensation in dollars must be forecast for a year, means would have to be found to make the tax levy adequate. The money equivalent of the commodity unit during the quarter preceding the fixing of the tax levy should in this case be acceptable as a sufficiently close approximation of its money equivalent throughout the ensuing year. In such event the salary permanently fixed in coms would be convertible throughout each year into money at the equivalent thus

determined. Similar provision could be made, too, when rents and the like are to be covered in annual budgets.

Public utility rates might be established as at present, but with the proviso that at intervals of a year these rates would automatically increase or decrease in some relation to the change in the value of money as measured by the com.

It may be noted that under such a system of evaluating relative desirability of things and services, each country would proceed independently. The commodity unit could be adapted to the local standard of living. The commodities which taken collectively will best represent value, in the sense of desire to possess, would in each country be selected with a view to their inclusion in quantities bearing a fair relation to their proportional contribution to the requirements of the family and the individual.

As already stated, money as a medium of exchange, when the commodity unit comes into general use, will be as necessary as heretofore. The commodity unit will take a place on the list of the many things subject to price quotation. Would it not be possible, may be asked, to let the com supplant the dollar, thereby accomplishing what Prof. Irving Fisher would bring about—the stabilization of the dollar? This would involve, as Prof. Fisher points out, the acceptance of a variable weight of gold as the money unit. Legislation would be required and complicated government control, the successful accomplishment of which does not appear to be within easy reach. Nor is it necessary. Alongside of a commodity unit, whether legally recognized or not, money would be used as we use it today, and would always be specified in transactions which are unaffected by the time element. Money would no longer function as the standard of value to determine the amount of a future obligation. Whenever the time element enters into a transaction as in making a loan, or in entering into a lease, or in agreeing upon a salary or wage which is expected to continue for an indefinite time, the money unit would be supplanted by the commodity unit, by the com, because of the undoubted greater stability of the value of the latter; but, ultimately, payment would still be made in money.

Having thus attempted to show that a value unit is at hand, and that its general adoption will be practical, it remains to show that its introduction and use in ordinary transactions and particularly where compensation for services is in question need not be deferred until Congress has acted, nor even until the studies have been made by the Department of Labor or any other branch of the government on which the definition and description of the com-

modity unit is to be based. The data at hand are quite sufficient to serve in the interim. The general commodity index numbers as ascertained and computed by the Department of Labor would afford a sufficiently close approximation for immediate purposes. Referring, for example, to the Monthly Labor Review for September, 1919, published by the Bureau of Labor Statistics of the U. S. Department of Labor (p. 108), in which the price increase of family requirements in a number of the more important cities of the United States, is given, it will be seen that there is fair agreement between the changes in the price of food articles alone and the average change in the price of all the commodities in all the classes of things which have been taken into account in noting the relative cost of living during recent years. This is shown in the following table, in which the comparison is made for 18 selected cities between the increase in the cost of food since 1914 and the increase in the cost of living. The figures in this table which refer to the cost of living are based on the changes in the prices of many articles grouped in the following six classes: Food, clothing, housing, fuel and light, furniture and miscellaneous.

TABLE 1.

Per cent of increase in the cost of food, compared with the general increase in the cost of living, from Dec., 1914, to June, 1919.

(Compiled from records published in the Monthly Labor Review, Sept., 1919, by the Bureau of Labor Statistics of the U. S. Dept. of Labor.)

City	Cost of Food Increase Per Cent.	Cost of Living Increase Per Cent.
Portland, Me.	81	74
Boston, Mass.	68	73
New York, N. Y.	75	79
Philadelphia, Pa.	76	76
Baltimore, Md.	91	84
Norfolk, Va.	90	87
Savannah, Ga.	74	80
Jacksonville, Fla.	74	77
Mobile, Ala.	84	77
Houston, Texas	86	80
Los Angeles, Cal.	61	65
San Francisco and Oakland, Cal.	63	66
Portland, Oregon	67	69
Seattle, Wash.	69	74
Chicago, Ills.	73	74
Detroit, Mich.	86	84
Cleveland, Ohio	80	77
Buffalo, N. Y.	83	84
Arithmetical Average	77	77

The foregoing tabular illustration is of value because it shows a fair general agreement between the index numbers based on the price of food articles alone and the index numbers based on the many articles which must be considered in determining the cost of living. The exact agreement of the final average figures is of course accidental. All price lists are affected by the fundamental causes which make the cost of living go up or down, though not necessarily in the same degree. It may safely be assumed that any index numbers based on the prices of numerous commodities, preferably always including food and clothing, will show the general trend of prices and, also, this being the main point, that even though the price change for the individual articles may not always have been weighted in the exact proportion of the family consumption of each, the final result as expressed in the index number will be a sufficiently close index of the cost of living. It will, therefore, be safe to say that the index numbers based on all commodities (over 250 as used by the Department of Labor) gives a sufficiently close approximation for all practical purposes to the changing value of the dollar when this value is measured by the "com" as herein defined and suggested. If the commodity unit as defined be adopted and the "com" be accepted as a measure of value, the average purchasing power and therefore the average value of $100 and of 100 coms in the ten-year period 1900 to 1909 would have been identical and the com today would be equivalent in value to about $2.30.

To the foregoing a brief historical reference may be of interest to show the quick response of prices of commodities to changes in the amount of currency in circulation. That currency inflation increases the cost of living has already been noted. It will now be of interest, to compare the volume of currency in circulation in the United States from time to time, with the cost of living as shown by the index numbers based on the wholesale prices of commodities. This comparison has been attempted in the diagram, Fig. 4, in which the 69-year period from 1850 to 1919 has been covered.

The cost of living, here, also in comparison with the selected base period 1900 to 1909, is represented by the line marked 100 commodity units which shows for each year the number of dollars that would have been required to buy this amount of commodities. The index numbers published by the Senate Committee on Finance in 1893 were used as the basis for this line from 1850 to 1889 and those of the U. S. Department of Labor for the more recent period.

If now some allowance is made for the fact that due to improved methods of production involving particularly a smaller labor incre-

FIG. 4

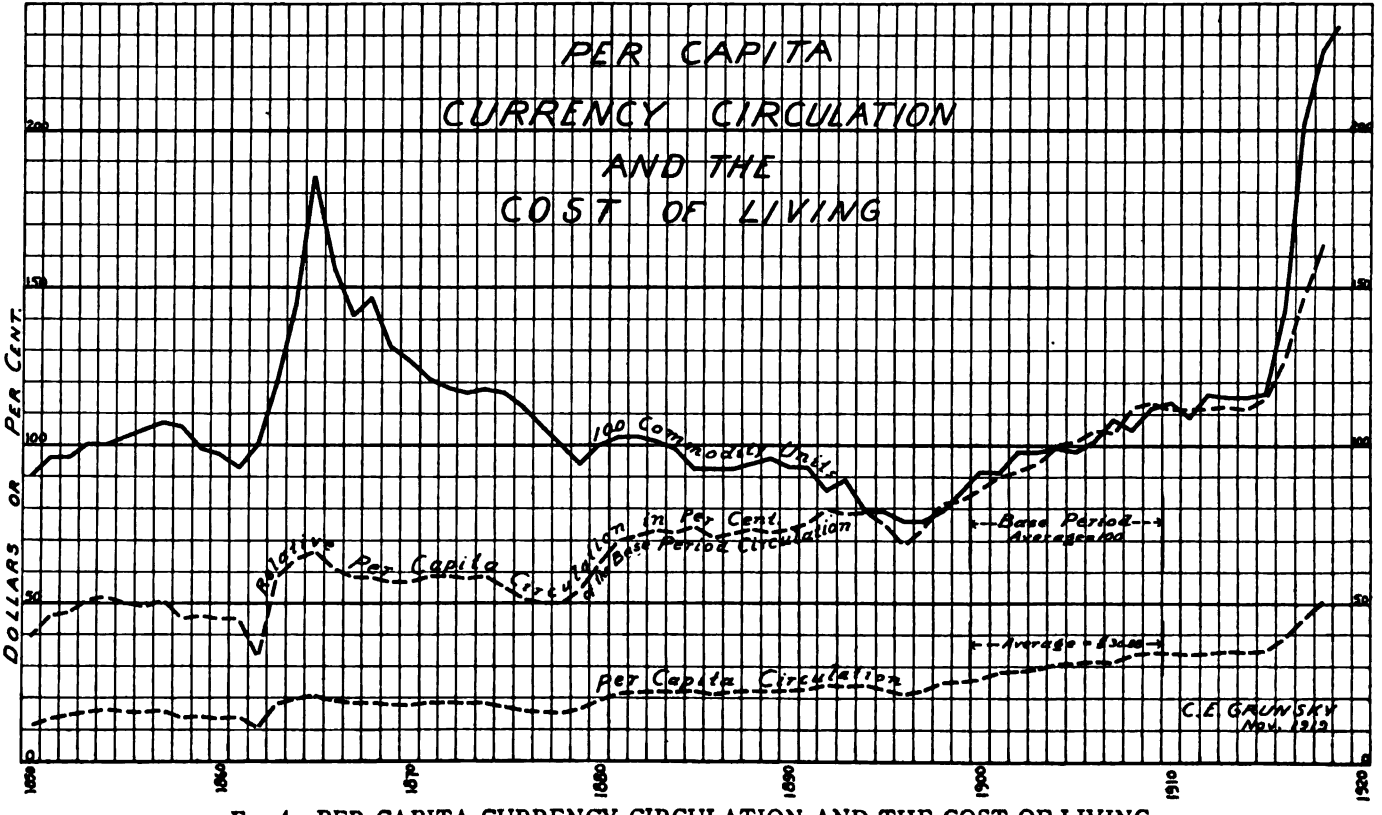


FIG. 4. PER CAPITA CURRENCY CIRCULATION AND THE COST OF LIVING.

The line marked "100 commodity units" is based on the index numbers for all commodities as determined by the Bureau of Labor Statistics of the U. S. Department of Labor. The lower broken line represents the per capita circulation in dollars.

ment, the cost of commodities and therefore, too, prices should go down and not up as time advances, it will readily be seen from this diagram how intimate the relation is between the money per capita in circulation and the cost of living. Thus, for example, in the five years preceding the civil war, 100 coms would have been equivalent to $103. At the same time, there were about $14 of currency per capita in circulation. At the close of the civil war in 1865 the per capita currency circulation had been increased to nearly $21 and the equivalent of the commodity unit had gone to $185. The 50% inflation of currency was accompanied by an 80% increase in the cost of living.

In the five years, 1910 to 1914, preceding the recent war, the currency circulation was about $34 per capita; it had reached $51 in 1918. The money equivalent of the com had in the same period gone from 114 to 225. A 50% increase in the per capita amount of currency in circulation has been accompanied by a 97% increase in the cost of living which is, however, probably considerably more than can reasonably be ascribed to inflation of currency.

In the years following the civil war the per capita circulation gradually fell from $20.57 to a minimum of about $15.32 in 1878. During this decline of 25% in the per capita circulation prices fell 46%, from $185 per com in 1865 to about $100 in 1878.

These facts visualized in the diagram are not offered to establish any definite relation between the amount of money in circulation and the cost of living, but they do show what seems to be axiomatic, that the per capita increase or decrease in the amount of money in circulation must be reflected in the shifting prices of commodities and that, therefore, the government has been in position to lighten the nation's debt and tax burdens by the simple expedient of providing means for the inflation of the currency—a recourse heretofore frequently resorted to, regardless of the fact that such a procedure is grossly unjust and inequitable.

The only method thus far pointed out which will enable the individual to protect himself against such price changes as result from sudden changes in the volume of currency in circulation, and other causes, lies in the official sanctioning of the use of a commodity unit substantially as here set forth. The com will, thereupon, become quite as acceptable as the dollar, even though it never be made the basis of currency as a money unit.

A suggestion that recourse should now be had to a commodity unit for the purpose of stabilizing the value of salaries and wages has been prompted by the abnormal recent changes in the purchas-

ing power of the dollar. The plan of utilizing a commodity unit as a norm is not, however, claimed to be new. I have only attempted to define a particular practical commodity unit for this country, immediately available, and have given it a name to emphasize its distinction from money. It will perform that function of money for which money is least adapted, namely to serve as a standard for deferred payments. The use of the commodity unit for this purpose has long ago been proposed and has been quite fully discussed by economists in the light of pre-war conditions.* Its advantages have been recognized at an earlier period when the need for such a supplemental standard was much less apparent than today. There is, for example, a chapter on this subject in F. A. Walker's "Political Economy" (1888), in which the commodity unit is called the "multiple or tabular standard of deferred payments" and in which the statement is made that such a multiple standard had long before the date of his writing been proposed by eminent economists. The advantage and, it will hardly be going too far to say, the necessity of employing the multiple standard when the deferred payments are in the form of salaries and wages is not yet generally recognized, however obvious, though, it must be to every student of the question, that the dollar standard is inadequate, while the commodity unit running with the cost of living would be fair and adequate. It is for this reason appropriate for the Commonwealth Club to give thought to this subject and to facilitate a better understanding thereof, particularly because of the general insufficiency of compensation fixed at a time when the dollar was worth more than it is today.

There is nothing, as I have attempted to show, that will prevent agreements immediately being made in which the com, as I have defined it, may not be used in lieu of or to supplement the money unit. It will only be necessary to distinctly specify that the com, as

* The idea of making a commodity unit the standard of value seems to have been suggested as early as 1822, in his "Present State of England," by Joseph Lowe, who pointed out the need for such a standard in long-time contracts. The same idea occurred to G. P. Scrope a few years later and is discussed by him in "Inquiry into the Nature of a Just Standard of Value" and other publications. Prof. Jevons discusses these plans in "Money and the Mechanism of Exchange." Among others who have discussed and approved the use of a multiple standard may be mentioned, Count Soden, Prof. Roscher, Prof. Walras, F. A. Walker, Simon Newcomb, Aldred Marshall, E. B. Andrews, Thos. E. Will, Henry Winn, Frank Parsons, A. I. Fonda, J. Allen Smith, C. F. Taylor, Eltweed Pomeroy, and Irving Fisher.

Some of these economists not only approve the general principle involved, but have advocated the incorporation of the multiple unit into the monetary system, while others would use it in some way to regulate the volume of the circulating medium.

defined shall be used to determine the money equivalent which the transaction involves. Wages, salaries, rents and loans can all be defined in terms of coms coupled of course with the mutual understanding that the index number shall, for the time being, be used in determining the amount of money which is equivalent to one com or to one hundred coms. After the commodity unit has once been legalized by congressional action it will automatically take its place alongside of the dollar. Both the com and the dollar will then perform separate and supplementing functions. The com will best and most reliably measure value. Money will serve, as it does at present, as the medium in which value can most conveniently be expressed, when an immediate and not a future transaction is involved. It will always be used, too, at the consummation of every transaction in which the com has been used in defining the measure of an obligation.

Note: The information on which the diagrams are based relating to wages per hour and to the purchasing power or value of the dollar as shown in Figs. 1, 2, 3 and 4 from 1890 to 1919 will be found in the publications of the Bureau of Statistics, U. S. Department of Labor. The following were consulted:

For wages per hour, 1890 to 1918, see Bulletins 129, 134, 150, 218, September 1898, July 1900, and Monthly Labor Review of March 1919, and for wages in all industries, 1840 to 1891, see Report of Senate Committee on Finance 1893, covering Wholesale Prices, Wages and Transportation.

For the cost of living as represented by index numbers, 1890 to 1919, see Monthly Labor Review of September 1919.

For the cost of living as represented by index numbers, 1850 to 1891, see Report of the Senate Committee on Finance 1893, on Wholesale Prices, Wages and Transportation.

For the per capita circulation in the United States, 1850 to 1893, see "Gold Production and Future Prices" by Brace, and also Statistical Abstract of U. S. covering the years 1893 to 1918.

THE PRESIDENT: We will now hear from Mr. Norman Lombard, who will present "The Irving Fisher Plan for Stabilizing the Dollar."

The Irving Fisher Plan for Stabilizing the Dollar

STATEMENT BY NORMAN LOMBARD

MR. LOMBARD: As I have been called up to this platform, only because of our inability to secure Professor Fisher himself, I should like to say a few words about the man for whom I am substituting.

Professor Fisher is the head of the Department of Economics at Yale University, which incidentally has the honor of having contributed to our national life some of our leading economists, including Francis A. Walker and William G. Sumner.

Professor Fisher was last year president of the American Economic Association, and his presidential address entitled "Economists in Public Service," was as thoughtful, as broad-minded and as full of the fire of love for humanity as any one could desire.

Almost unique among college professors and economists, Professor Fisher is a business man. He is president of a manufacturing company in New Haven, which distributes its product over the entire country. He is the founder and head of the successful Life Extension Institute of New York, which has enlisted the support of our greatest life insurance companies and carries in its personnel some of the country's biggest men—including William Howard Taft.

Professor Fisher, out of his own personal means, maintains at his residence a staff of assistants to compile, calculate and arrange the data he is constantly assembling for his economic studies, and to answer his tremendous correspondence.

In short, he is just another instance of that phenomenon, which has so often blessed our country, "the right man in the right place, at the right time."

And now, proceeding to the discussion of our subject, I shall treat it in this way:

1. What are the facts?
2. What are the causes?
3. What are the results?
4. What are we going to do about it?

Mr. Grunsky has already shown you in his splendid and exhaustive paper many of the facts, pointing out particularly the decline in the purchasing power of our dollar, and also showing how the purchasing power of the dollar fluctuates inversely with the volume of money in circulation. His charts, however, run back but a comparatively short time.

In order to illustrate what I have to say on this subject, the Executive Committee has authorized the preparation of a number of

diagrams, most of which have been taken direct from Professor Fisher's latest book, "Stabilizing the Dollar," which was only published on January 20th, last, and which incidentally has already run into its second edition.

Fluctuating Price Levels

Diagram "A" eloquently evidences the fact that this condition of fluctuating price levels is not a mere temporary phenomenon, nor one arising solely out of war conditions. This chart runs back to about 1790 and shows the general price levels in the United States and England, and it will be noticed that there has been a constant condition of fluctuation, which, as I shall endeavor to point out, has had far-reaching effects, tending to the unsettlement of our social, business and political conditions.

I have had drawn on this chart vertical lines, indicating the years in which our most severe financial panics occurred, viz.: 1817, 1837, 1857, 1873, 1893, 1907, 1913. It will be noted that with the exception of the two recent panics, which were generally characterized as "bankers' panics," the panic condition followed a period of considerable price decline.

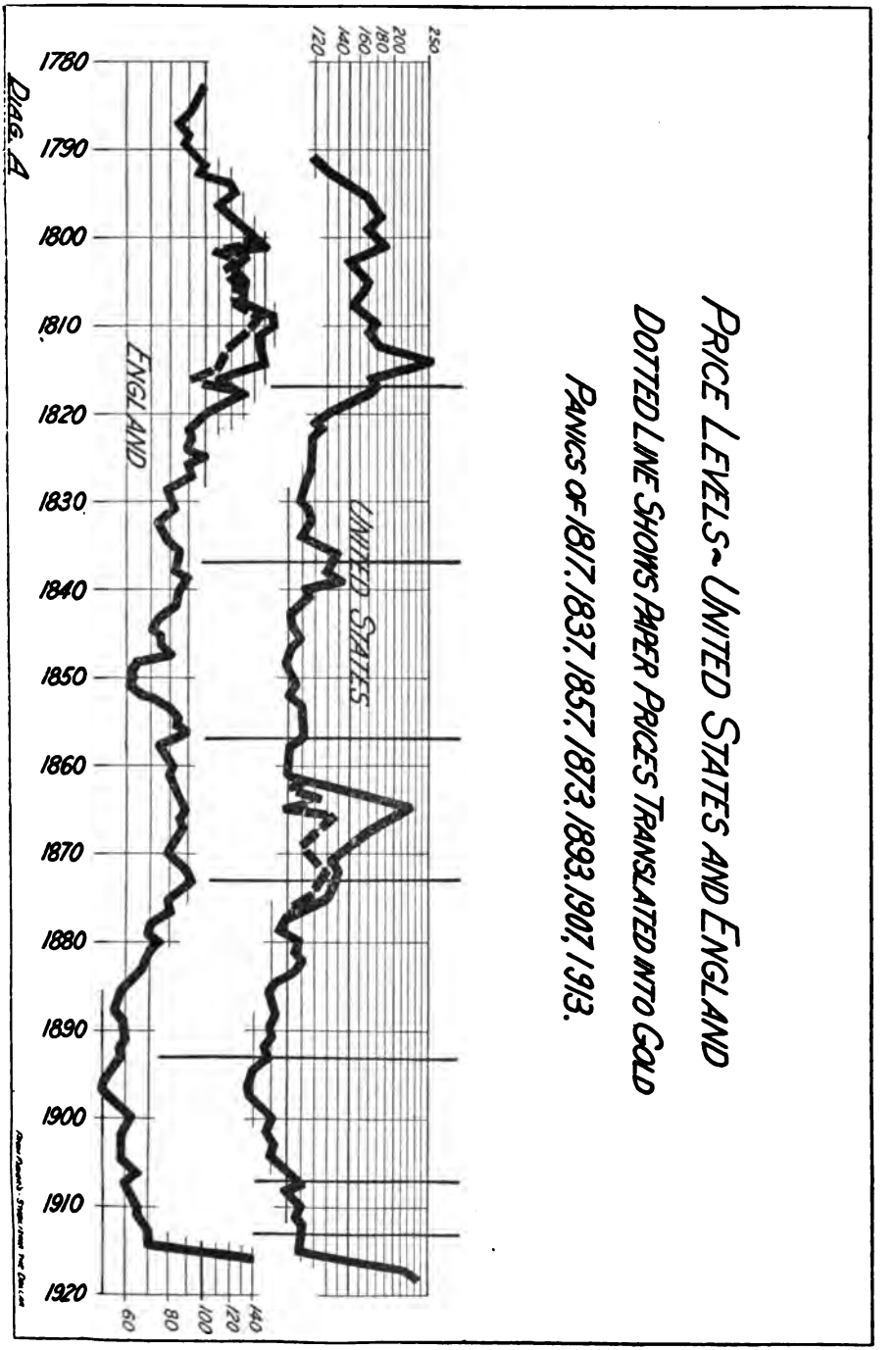
The two peaks upon the chart, of course, occurred at the time of the world's great wars; the first showing the condition during the Napoleonic wars, including our own war of 1812, with the currency expansion that immediately followed it, and the second showing conditions during our Civil War. The sharp increase in the general price level incident to the inflation arising out of the world war, commencing in 1914, is also very clearly shown.

The dotted lines, during the Napoleonic wars in England and during our Civil War in this country, indicate the price levels translated into terms of gold, the heavy lines showing the prices in paper.

The "Bullion Report"

It will be remembered that what was called in England, "the high price of gold," during the decade ending in 1810, gave rise to the appointment of a committee of Parliament called "The Select Committee on the High Price of Gold Bullion." Their report, known as the "Bullion Report," brought about nearly a decade of discussion among economists and politicians in Great Britain, and was really the starting point of a world revolution of thought on the question of the relative purchasing power of money and of gold.

Another interesting point on this diagram is 1896, when is recorded the lowest level of prices reached during the last century. This was the year in which Bryan delivered his "cross of gold" speech in Chicago,


PRICE LEVELS ~ UNITED STATES AND ENGLAND
DOTTED LINE SHOWS PAPER PRICES TRANSLATED INTO GOLD
PANICS OF 1817, 1837, 1857, 1873, 1893, 1907, 1913.
DIAG. A
ENGLAND
UNITED STATES
1780
1790
1800
1810
1820
1830
1840
1850
1860
1870
1880
1890
1900
1910
1920
250
200
180
160
140
120
140
120
100
80
60

and it marked the apex of the bimetalism craze, which had its fallacy in the belief that money is property and that an abundance of money meant an abundance of desirable things for everyone.

Curiously enough, the thing which Bryan desired to achieve—an increase in the supply of money—was brought about in an entirely unexpected manner, that is, through the discovery of the cyanide process of extracting gold. This invention very greatly increased the supply of money, bringing about a condition which is clearly indicated by the rising line running from 1896 up to the beginning of the World War.

Indeed, there are those who contend that this condition of increasing commodity prices, due to the increased supply of gold, was largely responsible for the World War, inasmuch as it precipitated social conditions in Germany, the only antidote to which known to the military party, was a foreign war.

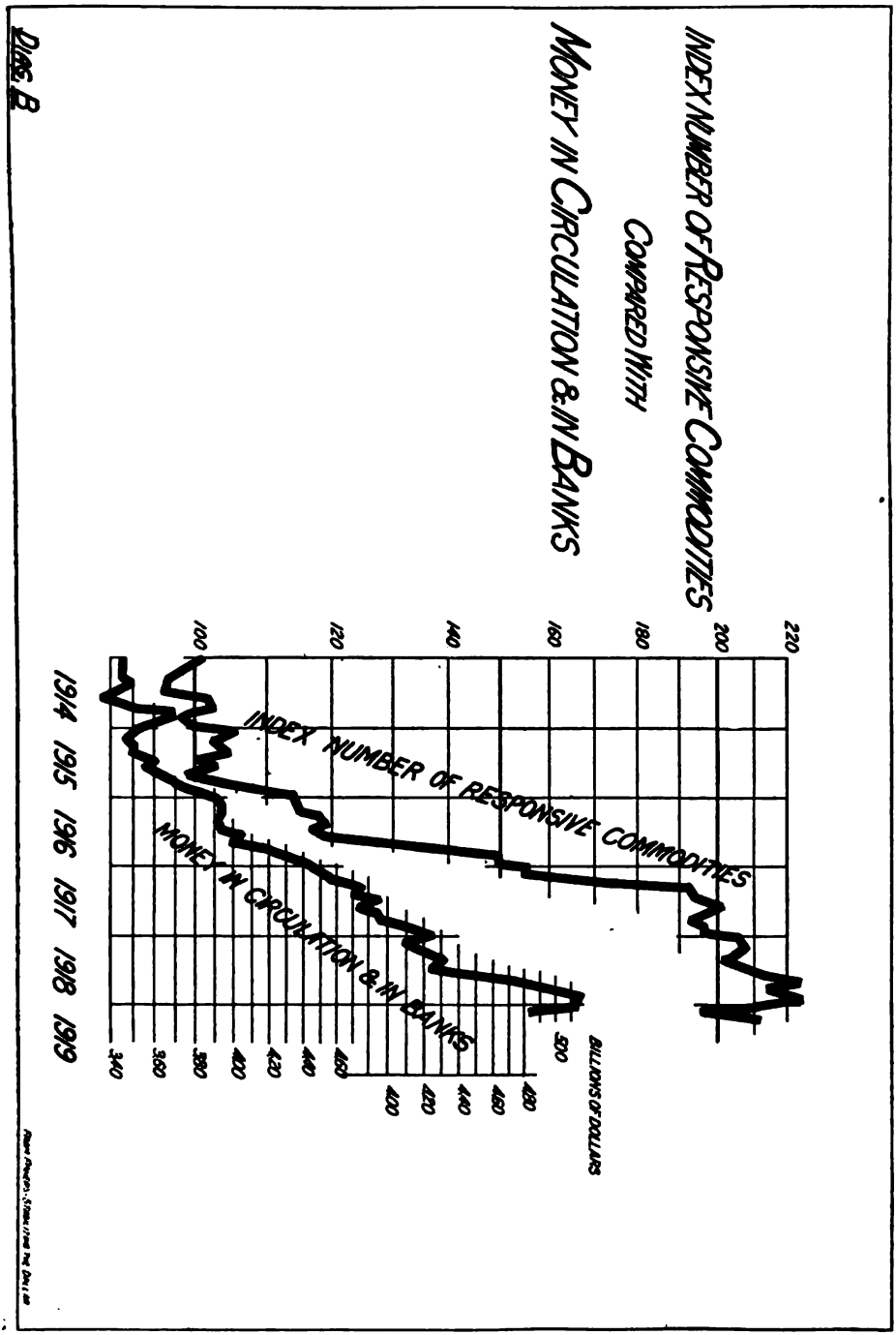
The Cause

As for the cause of these fluctuations in the general price level, I call your attention to diagram "B," where Professor Fisher has charted the fluctuations in the price level of certain responsive commodities against the money in circulation and in banks. This chart affords an ocular demonstration of the truth of the quantity theory of money, which I shall refer to presently, and demonstrates that the price level fluctuates in accordance with the money volume, other factors being equal. It further demonstrates that the effect of an increase or decrease in the money volume will be felt in the price level in a period of approximately thirty days.

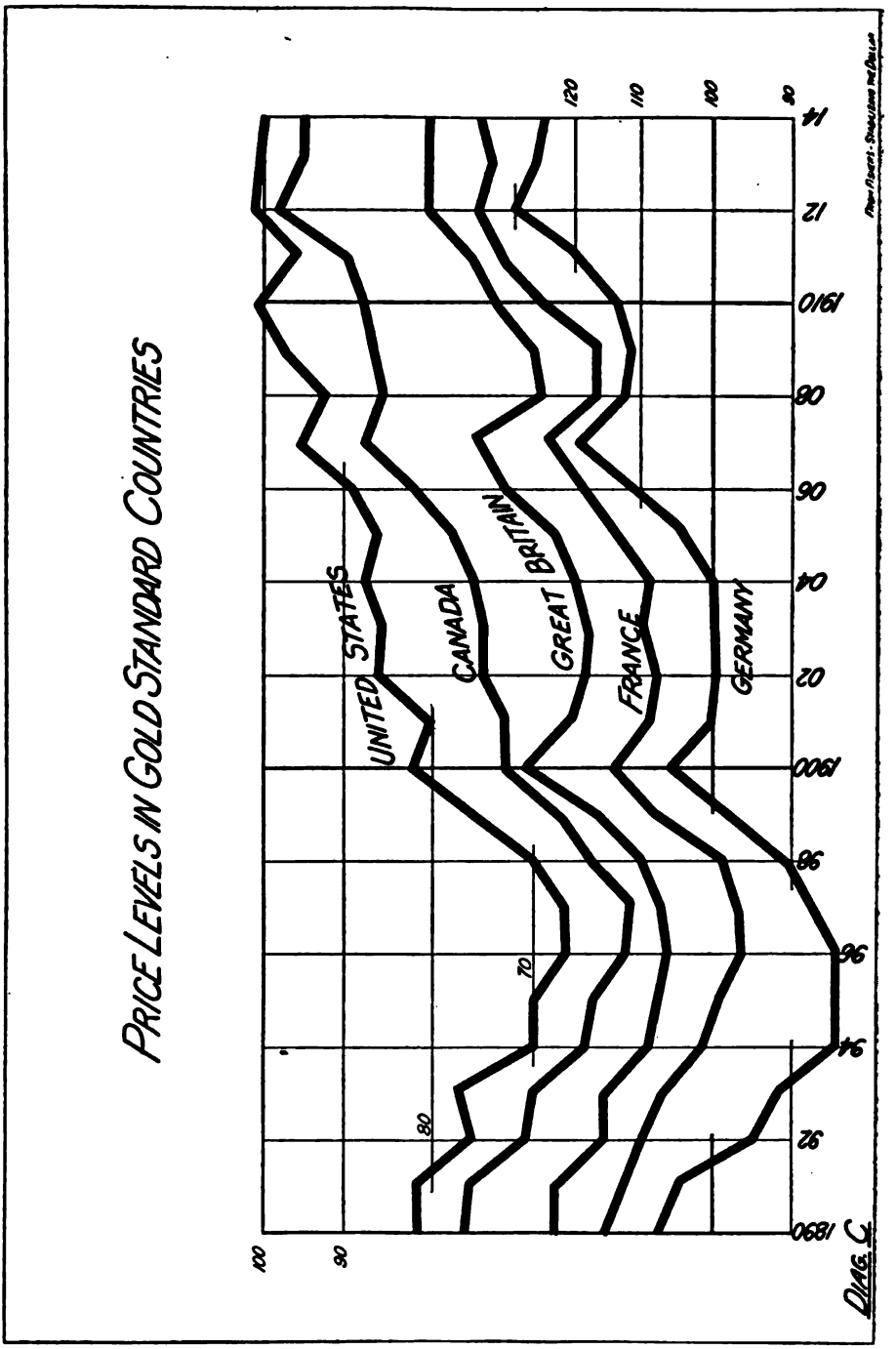
Gold the Criminal

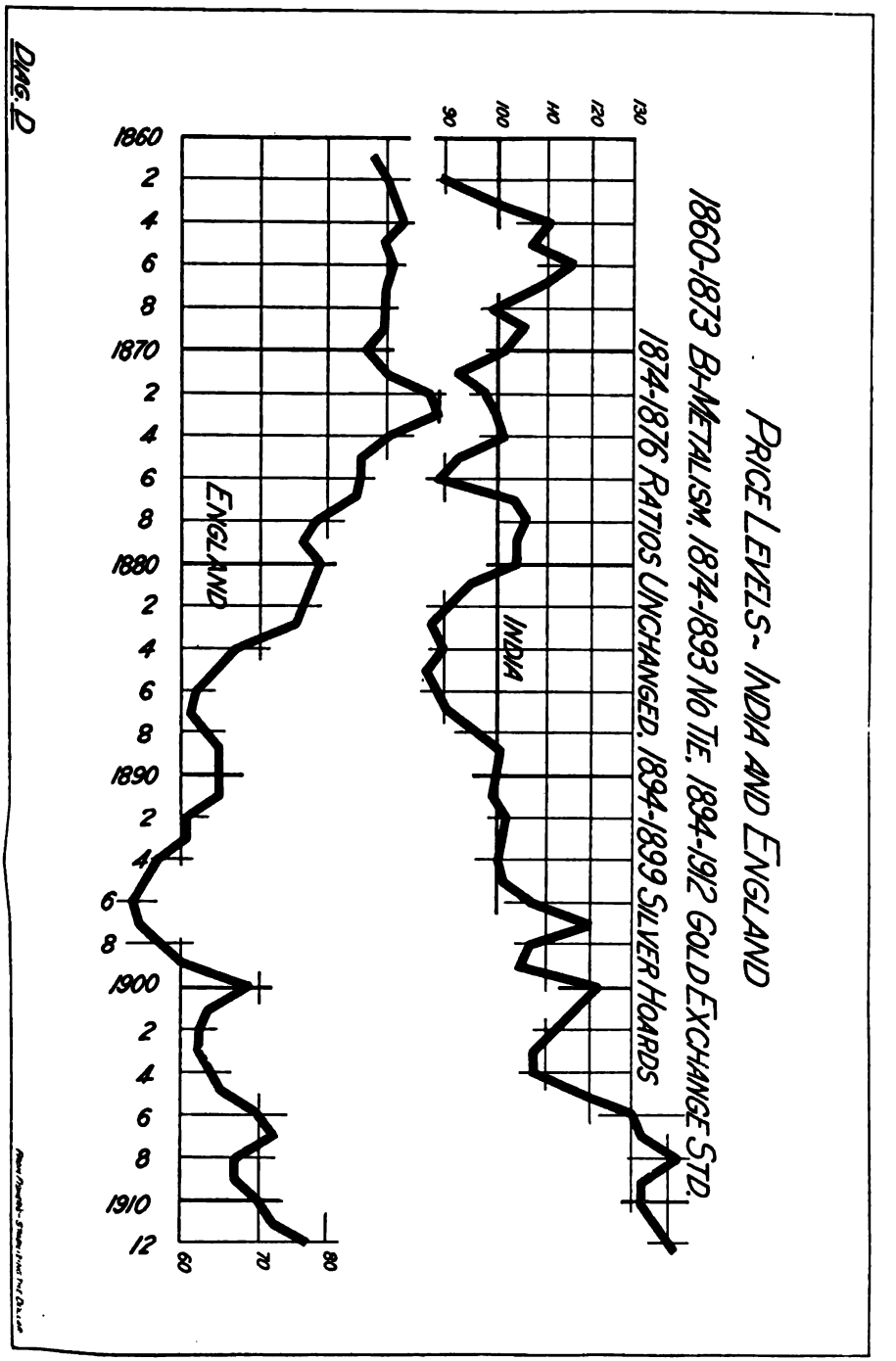
Diagram "C" shows the price level in the five gold standard countries for a given period; the countries being the United States, Canada, Great Britain, France and Germany. The general similarity in the shape of these curves, illustrating that the same fundamental cause was operating in all five of these countries at the same time and in the same way, gives rise to the suspicion that gold is the criminal. (Laughter.)

This analysis of the cause is further substantiated by diagram "D," which shows the fluctuations in the price levels over a considerable period in India and in England. In considering this chart, there are five periods, which demand our special consideration. The first period is that from 1860 to 1873, when the monetary standard in India was based on bimetalism. It will be noted, during this period, that there was a constant tendency of the two curves to follow the same general


INDEX NUMBER OF RESPONSIVE COMMODITIES
COMPARED WITH
MONEY IN CIRCULATION & IN BANKS
220
200
180
160
140
120
100
INDEX NUMBER OF RESPONSIVE COMMODITIES
MONEY IN CIRCULATION & IN BANKS
500
480
460
440
420
400
380
360
340
BILLIONS OF DOLLARS
1914 1915 1916 1917 1918 1919

DIAG. B.


PRICE LEVELS IN GOLD STANDARD COUNTRIES
UNITED STATES
CANADA
GREAT BRITAIN
FRANCE
GERMANY
DIAG. C


PRICE LEVELS - INDIA AND ENGLAND
1860-1873 BI-METALISM. 1874-1893 NO TIE. 1894-1912 GOLD EXCHANGE STD.
1874-1876 RATIOS UNCHANGED. 1894-1899 SILVER HOARDS
INDIA
ENGLAND
130
120
110
100
90
80
70
60
1860
2
4
6
8
1870
2
4
6
8
1880
2
4
6
8
1890
2
4
6
8
1900
2
4
6
8
1910
12
CHART 2

conformation. During the period from 1874 to 1893 there was no tie between gold and silver in India, which was on a silver basis, while England was on a gold basis. During the first two years of this period, that is from 1874 to 1876, prices in India and England tended to conform, this being due largely to the habit of mind created during the previous period, and which took some time to wear off. Thereafter, however, and until 1893, prices showed a general tendency to react in opposite directions; in 1894 the gold exchange standard was enacted into law, and this had the general effect of bringing silver prices and gold prices into harmony. Thereafter we find the curves practically identical in their conformation. The failure of the curves to conform during the period from 1894 to 1899 is explained by the influence of the tremendous hoards of silver in India and to the habit of the local potentates and rulers to issue their own currency, a condition which tended to neutralize the growing scarcity of gold, which the world experienced at that time.

Perhaps at this point I should explain how the figures upon which these curves are based are calculated. The system used is to take a given amount of a given list of commodities at a given period, and to ascertain their average price at that period. The average price of the same amount of the same commodities at another period is than calculated and the percentage-change between the two figures gives us an index figure; thus, if the second figure is 103% of the first figure, we say that the price level has risen from 100 to 103. Now, if these calculations are extended over a sufficiently long period, we obtain a number of figures from which the fluctuations in the general price level can be graphically depicted.

A New System

It may be interesting to notice that this method of ascertaining general commodity price levels has been employed for only a comparatively short time. It is true that we have index figures of wages and figures showing the prices of particular commodities running back for several hundred years, but there had never been any calculation of general commodity price levels until the matter was suggested and worked out by Professor Jevons, an English economist who lived during the last century. Considering, therefore, the comparatively short time in which we have had any knowledge whatsoever of general commodity price levels, it is truly remarkable that the use of index figures or index numbers has become so general. There are available now a large number of different index figures, each based upon different commodities, and with varying importance given to the various commodities, and with wholesale or retail prices being used.

One of our morning papers recently stated in an editorial that anyone who studied the money question long enough would go crazy. (Laughter.) Truly, the subject of money has been studied for many years by more or less intelligent people, and some of the panaceas proposed give good justification for the charge that some of their proponents were more or less insane, but it is to be noted, first, that it is impossible intelligently to study the subject of money, without some knowledge of the subject of value and, second, that economists had no means of defining or calculating value in terms of general commodities until Professor Jevons undertook his epochal calculations. Prior to that time economists were obliged to conceal their paucity of knowledge on the subject of value under a camouflage of words. Adam Smith, the father of all economists, gives considerable space to a discussion of "real and nominal price" and to "natural and market price," and throughout his discussion evidences the fact that he himself had no clear understanding of the term "value."

J. S. Mill, an economist who wrote during the early part of the last century, devotes three pages of his splendid work on "Political Economy" to defining the word "value."

Now, as a result of the publication of the "Bullion Report," the work of Professor Jevons, and of the other thought which has been put on this subject, we are in position, by means of an index figure, to express value in terms of any or any number of commodities, and we can define "price" as "value in terms of gold," or "value in terms of money."

Of all the economists who have studied and written on this subject, none has been more lucid or helpful than Professor Fisher, whose work, "The Purchasing Power of the Dollar," has cleared up many of the world's misunderstandings on the subject of money and whose most recent work, "Stabilizing the Dollar," has offered a sound solution of this problem which has been harassing the world for ages.

Calculation of Index Figure

Inasmuch as this matter of the calculation of the index figure is of fundamental importance in considering the Fisher plan, or any other plan for neutralizing or nullifying the fluctuations in the purchasing power of money, and since there has been considerable misunderstanding and misstatement and argument as to the various methods for calculating the index figure, I would like to call attention to diagrams E, F and G, which establish beyond any possible doubt the fact that the discussion of these points is about as important as a discussion as to how many angels can dance on the point of a needle. (Laughter.)

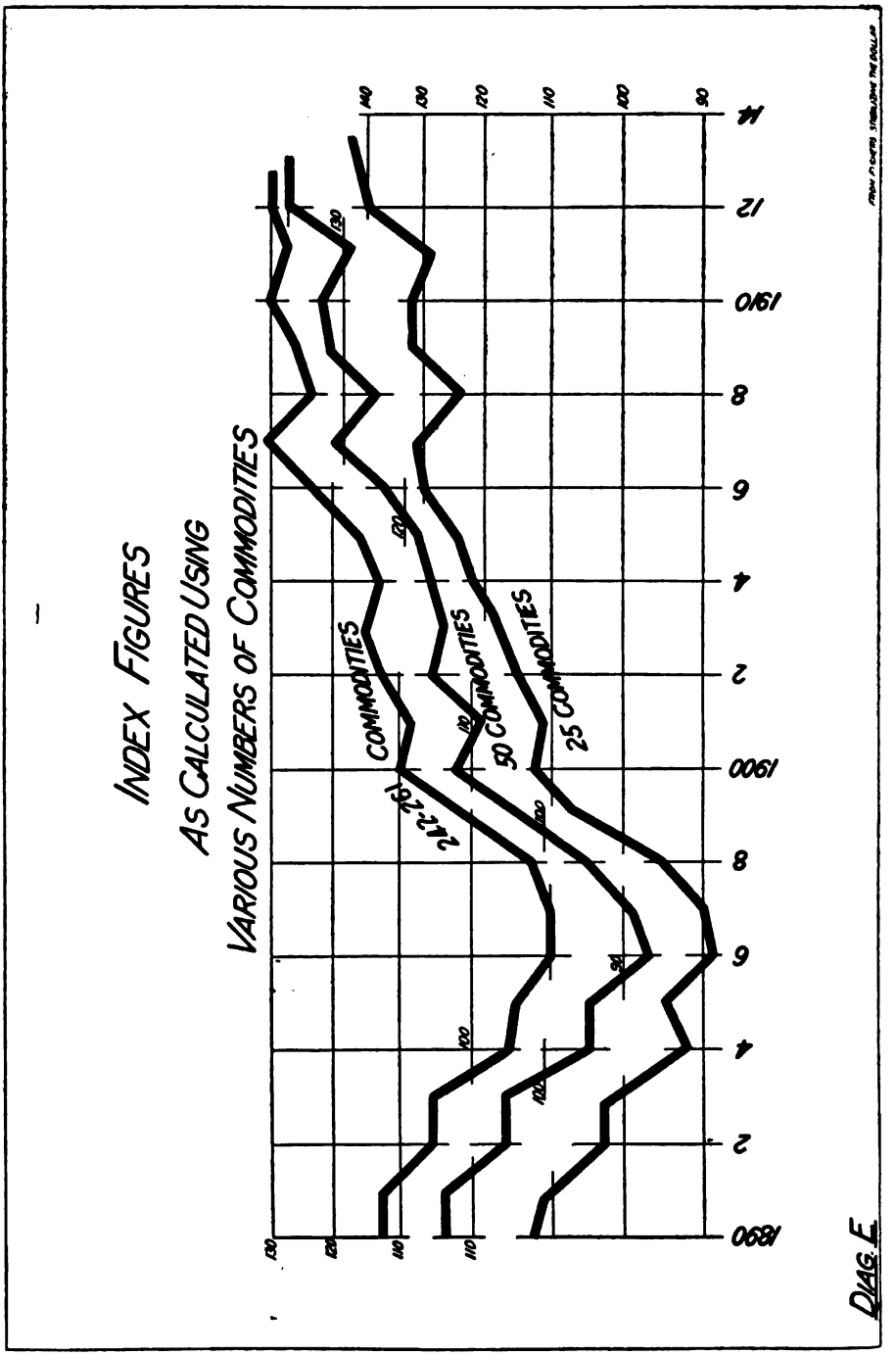

INDEX FIGURES
AS CALCULATED USING
VARIOUS NUMBERS OF COMMODITIES
100 COMMODITIES
50 COMMODITIES
25 COMMODITIES
1890
1900
1910
DIAG. E

Diagram "E" shows the relative fluctuations in index numbers as calculated by three different systems, each using a different number of commodities; the upper line is based upon commodities ranging in number from 242 to 261, selected by the United States Bureau of Labor Statistics. The middle line is based upon fifty commodities, selected by R. G. Dun & Company; the lower line is based upon twenty-five commodities, selected by Bradstreets. The almost identical conformation of these three lines demonstrates that it is of no practical importance how many commodities are used in calculating the index figure, as the result will be practically the same in any event.

Diagram "F" illustrates the fluctuations as calculated by weighted and unweighted methods. By a weighted calculation we mean one wherein the figures for the different commodities are given an importance in the calculation, equal to their importance in commerce. By an unweighted method we give all the commodities the same importance in the calculation. Here again we have almost identical conformation of the two graphs, illustrating again that it is a matter of comparative, practical, unimportance whether we use a weighted or an unweighted system.

Diagram "G" illustrates the relative fluctuations of commodity prices as calculated from retail and wholesale prices. Here again the general conformation is, as might be expected, almost identical; but it is evident that wholesale prices are more sensitive in their fluctuations, and that they perhaps slightly anticipate fluctuations in retail prices. It is for this reason that Professor Fisher has suggested that, in adopting his plan, wholesale prices should be considered; a decision in which nearly all of the friends of the plan concur.

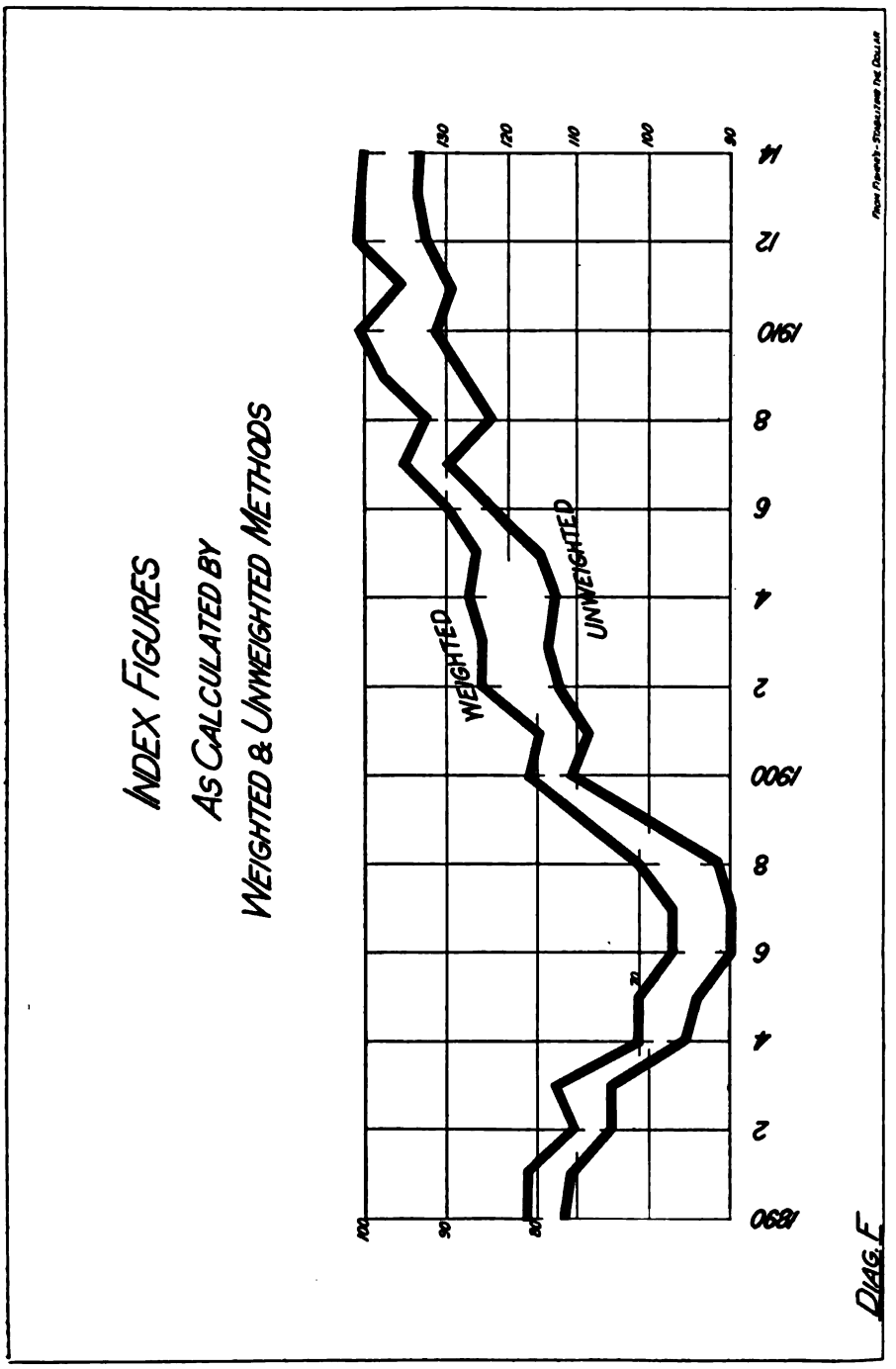
Money and Its Functions

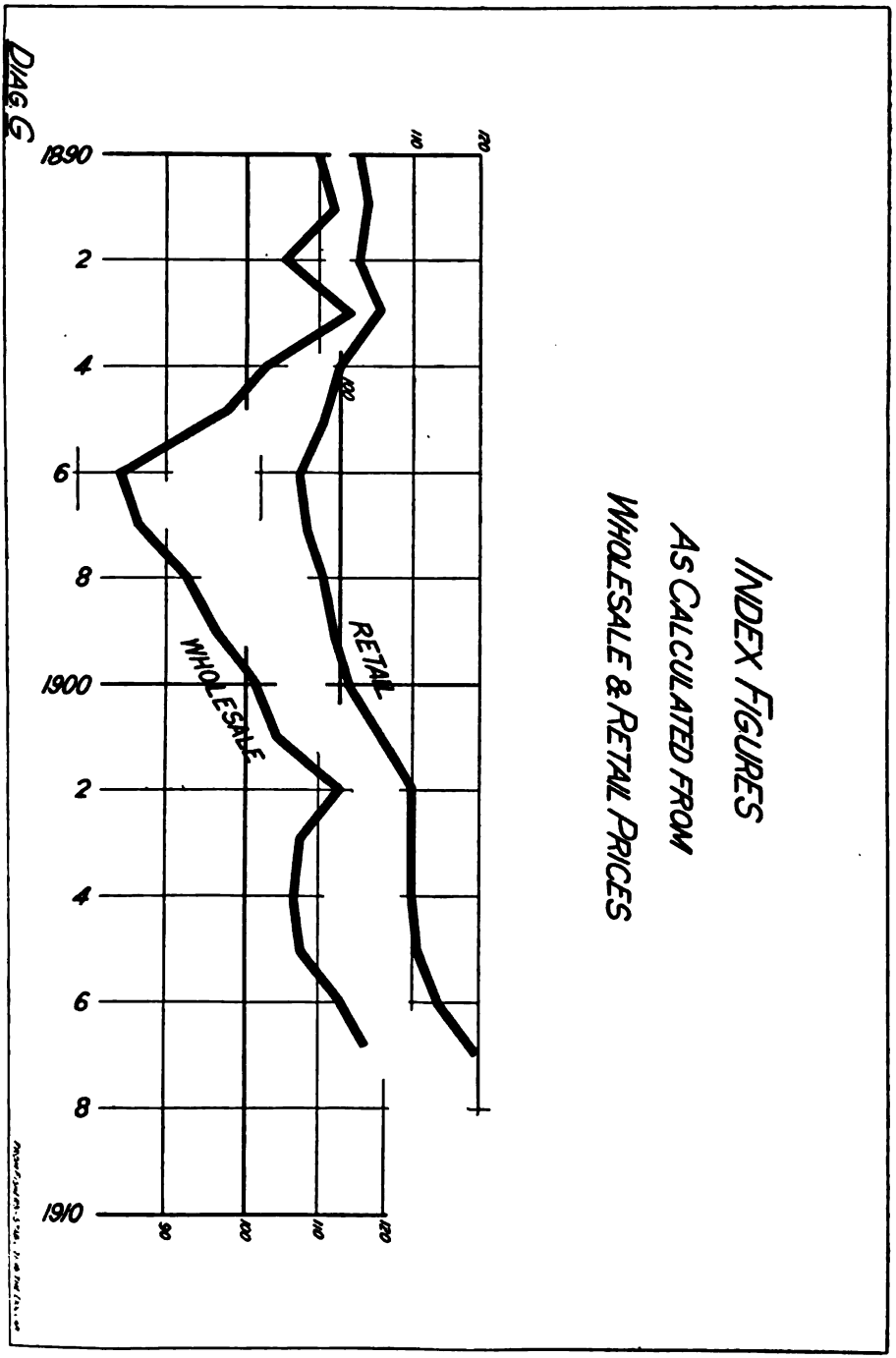
Next, I want to take up the subject of "What is money?" and "What are its functions?" and in order to impress this on you, I am going to write down on the blackboard the following:

$ = 25.8 grains of Gold, 9/10 fine.

In other words, our dollar is a unit of weight of one commodity.

When money first began to be used, money expressed in terms of a given weight of one given commodity served every practical purpose. Originally the sole function of money was to serve as a medium of exchange. A farmer bringing in a load of wheat and desiring shoes, does not want to go to the trouble of finding a man who has shoes to sell and wants wheat, but he takes his wheat to a dealer in wheat and receives money therefor, which money he in turn takes to the dealer in


INDEX FIGURES
AS CALCULATED BY
WEIGHTED & UNWEIGHTED METHODS
WEIGHTED
UNWEIGHTED
130
120
110
100
90
80
70
60
50
1890
2
4
6
8
1900
2
4
6
8
1910
12
14
DIAG. F


DIAG. G
INDEX FIGURES
AS CALCULATED FROM
WHOLESALE & RETAIL PRICES
1890
2
4
6
8
1900
2
4
6
8
1910
90
100
110
120
RETAIL
WHOLESALE

shoes and in other articles which he desires to buy, and thus is enabled at minimum trouble to effect the exchange which he desires. Originally this function of money was practically its sole function because when the world had just graduated from a condition where barter was the rule, there were not in existence any long-time contracts and no necessity for any measure of value or standard of deferred payments.

Gradually the use of gold as a medium of exchange has decreased through the employment of substitutes—notably bank checks and bills of exchange. At the same time the use of gold as a measure of value or standard of deferred payments has constantly increased, due to the multiplying importance of long-time contracts, such as bonds, leases, franchises, life insurance policies, etc.

It is obvious that regardless of how valuable as a medium of exchange, no one commodity can serve as a standard measure of value or deferred payments. Gold originally appealed as an ideal medium of exchange, because of its beauty and general desirability, and its physical properties, lending itself easily to formation into non-tarnishing disks of the proper weights and to stamping with the certificate of the Government testifying as to the weight and fineness of those disks.

But as a measure of value, gold is unsuitable, due to the fact that it has its fluctuations, relatively to other commodities, under the same law of demand and supply which affects all articles and commodities. Thus as money the demand for gold fluctuates with the volume of trade, with the velocity of circulation and with the use of substitutes, such as bank checks. As a commodity the demand for gold fluctuates with its usage in commerce and in the arts. So also the supply of gold fluctuates with the discovery of new mines and of new processes, and with losses at sea, by fire and by wear. To bring home forcibly to you the truth of this statement, let us suppose that the vast supply of gold at the mouth of the Sacramento river were to be recovered and turned into the channels of trade. It is obvious that this increase in the supply would very greatly decrease the value of gold relatively to other commodities, and we would have repeated the same phenomenon experienced in the years following the discovery of the cyanide process—only very much accentuated. There is also going on a constant diminution of the world's supply of gold as a commodity, due to uses in dentistry, in the arts and in commerce. A recent figure places this diminution at eighty million dollars in the year 1919.

Since gold is the basis of our existing monetary system and since our dollar is fixed by law at a given weight of gold of a certain degree of fineness, it is obvious that fluctuating gold value shows itself as fluctuating commodity prices, so that we might say that our Diagram

"A" is a diagram not of general commodity prices in terms of gold, but inversely of the value of gold in terms of commodities. To remedy the situation, it is obvious that we must, in some manner, put some control upon the erratic and mischievous so-called "standard."

Quantity Theory of Money

We are now in position to give consideration to what is known as "the quantity theory of money," and when I mention the word "theory," I hope there will not be a rush toward the exit, although I appreciate the repugnance of the professional and so-called practical man to any discussion of "theory." I would like, however, to point out that all science progresses from a foundation of theory, the theory being accepted until it is confronted by a fact which controverts it, when it must be abandoned or amended. Thus we have the principle of gravitation, evolved simply as an *á priori* deduction from an empirical fact—an apple falling on a nose—a theory which has stood the test of time and become the foundation stone of our entire science of physics.

Similarly Avagodro's law is one of the foundations of the science of chemistry; and so I might go on throughout the entire realm of scientific thought.

Also, just as these theories are frequently expressed in algebraic formula, so the quantity theory of money may be similarly expressed.

Now, the equation of exchange, which expresses the quantity theory of money, is as follows:

$$\frac{MV}{T} = P$$

Where M stands for the volume of money;
V the velocity with which it circulates;
T the volume of trade; and
P the general price level.

Put into words this formula says that prices fluctuate with the volume of money, and with the velocity with which it circulates and inversely as the volume of trade. In other words, if we increase the volume of money, say by fifty per cent, keeping the other factors—V and T—constant, we shall have an equal or fifty per cent increase in general prices.

It may be interesting to inquire how this equation was deduced. In its original form, it read as follows:

$$m\,v + m'\,v' + m''\,v'' + m'''\,v''' \ldots\ldots = p\,t + p'\,t' + p''\,t'' + p'''\,t''' \ldots\ldots\ldots$$

That is to say, there are various kinds of money—gold, currency, bank checks, liberty bonds, etc. When you take a liberty bond down and trade it for a piano, it is money; and so with everything else which is used as a medium of exchange. These different forms of money each multiplied by its own velocity of circulation compose the left-hand side of the equation. Similarly, there are a great number of different articles, each of which has its price, and its volume in trade, and these two factors as applying to this large number of articles find their expression on the right-hand side of the equation. This equation was further reduced to the following form:

$M\ V + M'\ V' = P\ T$ in which M' stands for all the money substitutes for gold and V' the velocity with which they circulate. The right-hand side of the equation has been shortened to express the general price level, multiplied by the total volume of trade.

The equation in this form has been verified by calculations made by Professor Fisher over a period of sixteen years; and largely as a result of these calculations this formula is now generally accepted as a true statement of a scientific theory by fully ninety-nine per cent of all of the world's economists.

When you see our newspapers or representatives of special interests or misguided individuals who have not thought this problem through to its logical conclusion, stating that this, that or the other thing is necessary, or that we must increase or decrease import or export duties or income taxes, or that we must have greater production, in order to bring down prices, or when you hear the argument advanced against some proposition on the theory that it will increase prices, subject the argument to the test of this formula and be assured that there can be no effect upon the price level unless one of the three remaining factors in the formula is affected one way or the other. Remember that the general price level (I beg to warn you, *not particular commodity prices*) can only be altered as you alter the volume of money, the velocity with which it circulates or the total volume of trade.

Let me subject this statement to a practical test. We heard it recently stated that the alleged embargo against the import of cotton into Great Britain would lower price levels in this country. Observe that the effect of such an action upon cotton itself might be very great, but the minute you lower the price of cotton to cotton consumers in the United States you immediately release a considerable fund of purchasing power which can be expended for automobiles or other things, so that you increase the price of other commodities accordingly, and there is no alteration in the general price level.

I think that you will agree with me that it is ludicrous to attempt to stabilize the general price level by any of the palliative means we hear proposed, and that the only remedy is to go to the very foundation stone, which is money itself, and to regulate the basis of that money or, in other words, to standardize the gold standard.

Now the effects of these fluctuations in commodity prices are exceedingly far-reaching and disastrous and are not at all limited to mere discussion and theoretical speculation.

During periods of decreasing prices, such as we experienced from 1873 to 1896, we find that the creditor like class of individuals, such as bond holders, pensioners, salary workers, landlords, lenders, etc., are very much favored at the expense of the debtor like class; the result being financial depressions, business and bank failures, unemployment and class hatred, giving birth to such terms as "bloated bond holders," "gold hogs," etc. During these periods there is a general impairment of security values, relative to the obligations issued against them, which has a tendency to convert bond holders into stock holders and to convert mortgagees into owners, or, in other words, there is a quite general shifting of square pegs into round holes, where they do not function with the proper degree of social efficiency. During these periods of increasing commodity prices, otherwise expressed as decreasing value of gold, such as we experienced from 1896 until the present, we find that the debtor-like class, consisting of stockholders, wage workers, tenants, borrowers, etc., are favored at the expense of the creditor-like class. This produces an undue expansion of wealth on the part of the debtor-like class, giving us a sham aristocracy, and an undue shrinkage in the purchasing power of the creditor-like class, the result being strikes—of which there were some six thousand during the war—profiteering, speculation and general discontent.

As for these strikes, during a period when patriotism was supposed to be at its maximum, it is only human nature to expect that a man who is living very close to the poverty line, will take any means within his reach to secure for his family the standard of living to which they have become accustomed, especially when, by the operation of some economic law which he does not understand, the purchasing power of his wage is found to be constantly shrinking. It is obvious that the solution for this problem is not to rail at the strikers or at the profiteers, and to prosecute and talk, but to find out the fundamental cause of the condition and cure the trouble at its source, which is the unstable foundation of our entire monetary system.

Both increasing and decreasing commodity prices have the general effect of decreasing production, which it should be our aim to increase,

and both produce social unrest, as expressed in populism, bimetalism, socialism, non-partisanism, Bolshevism, and I. W. W. ism, with their unfortunate accompaniment of demagogic prosecutions and pedagogic fallacies. (Applause.)

Diagram "I" illustrates graphically some of the painful effects of using our present unstable dollar of fixed weight as a measure of value.

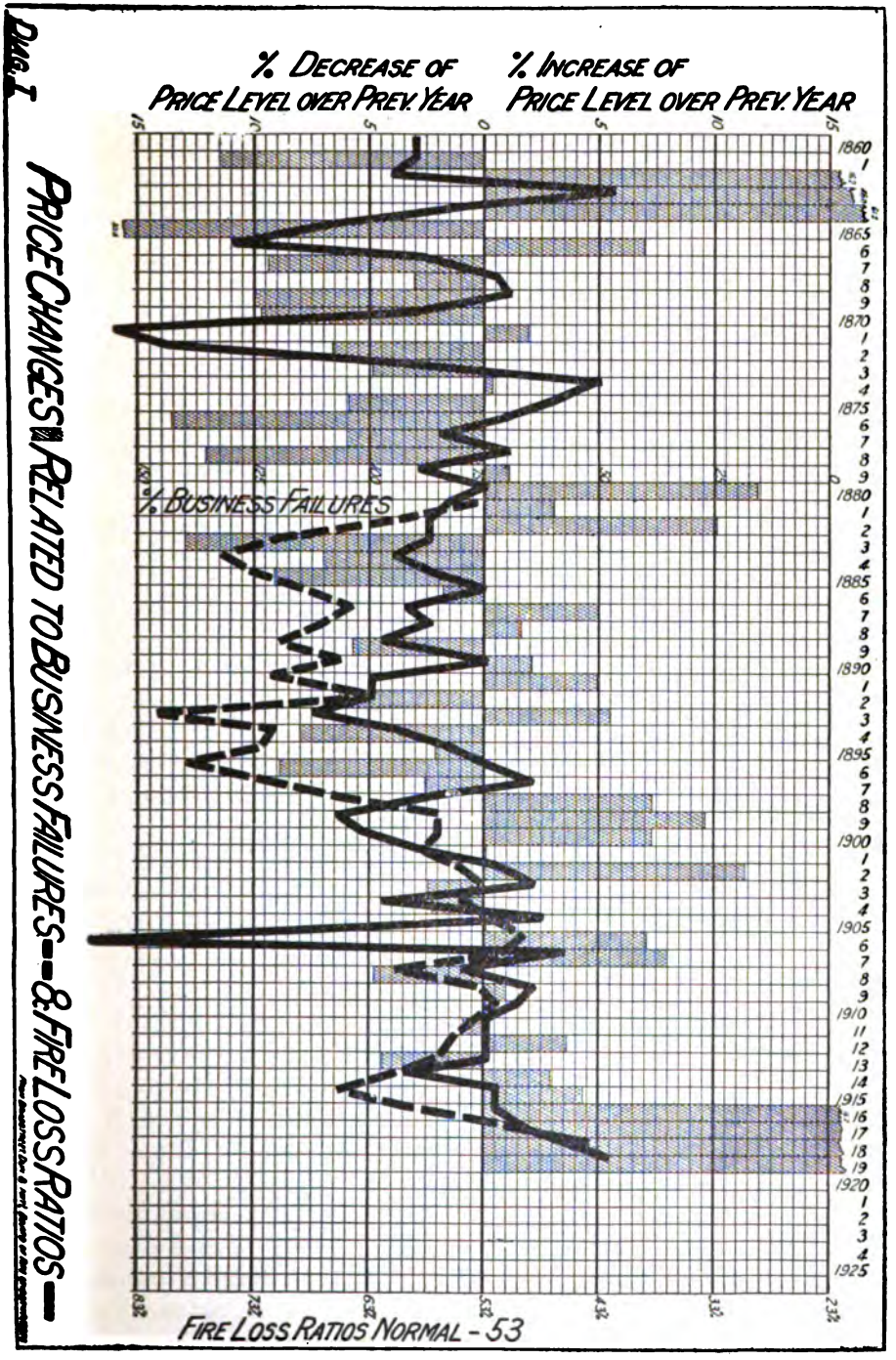
On the same basis that all parents regard their children as the best little darlings in the world, so I regard this as a particularly fine chart. (Laughter.) I believe that these facts have never been correlated in chart form before.

This chart is based upon Bradstreet's record of business failures, Dun's index figure and the fire loss statistics of the National Board of Fire Underwriters. The chart is so arranged that the percentage of change in the general level of prices over the preceding year is illustrated by the cross hatched or shaded areas, areas above the line indicating increases and areas below the line indicating decreases. During the Civil War and during the present war the price level rose so high that the percentage change cannot be shown upon this small diagram and after the Civil War the decrease was so great that it cannot be fully shown.

The dotted line commencing in 1880 shows business failures, *increasing* as the line comes *downward*. The normal business failures during the period indicated was about ninety-seven one hundredths of one per cent. It will be noted that the failures in business follow the fluctuations in commodity prices with unfailing fidelity, increasing as commodity prices decrease, and decreasing as commodity prices increase.

These statistics show business failures only in case there has been an actual loss to creditors. They do not show failures to succeed or failures where there has been a loss to stockholders merely. If such statistics could be obtained no doubt there would be an even more striking demonstration of the effect upon business success or failure of our existing unstable monetary system.

I have also charted against this condition of fluctuating price levels the matter of fire losses. My attention was called to the fact that fire losses were less during good times than during hard times, and this chart eloquently demonstrates this situation to maintain. The chart is so shown that an increase in fire loss ratios is shown as the line comes downward and a decrease in fire loss ratios is shown as the line goes up. Fifty-three per cent is normal. Eliminating the conflagrations, the Chicago fire being shown in the year 1871, the Baltimore fire in the year 1904 and the San Francisco fire in 1906, the curve shows most strikingly that people do not burn their houses and stocks of goods


DIAG. I.
PRICE CHANGES AS RELATED TO BUSINESS FAILURES & FIRE LOSS RATIOS
% DECREASE OF PRICE LEVEL OVER PREV. YEAR
% INCREASE OF PRICE LEVEL OVER PREV. YEAR
% BUSINESS FAILURES
FIRE LOSS RATIOS NORMAL - 53

down when prices are up, but that when prices decrease they do burn down their homes and business properties.

One of our morning papers will no doubt accuse me of indulging in pro-British propaganda in making this statement. (Laughter.) It has been a common belief among insurance people for year, that fifty per cent of their risk was a moral risk. These diagrams convince me that fifty per cent is an under-estimate and that fully seventy-five per cent of our fires are of incendiary origin.

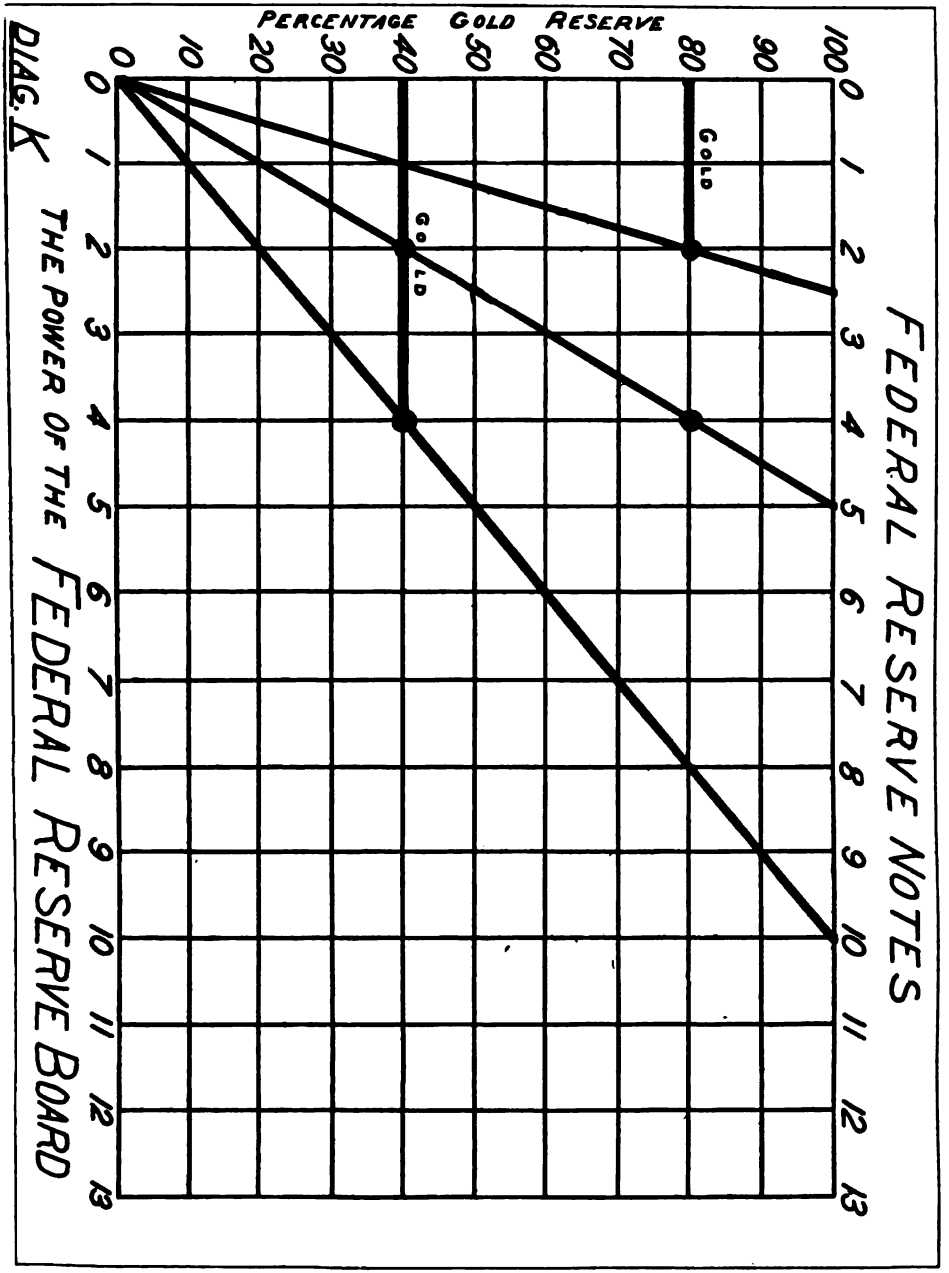
Remedies

Now as to what we are going to do about it.

For a long time I fondly cherished the belief that the Federal Reserve Board possessed the necessary power and was in a position to effect the desired control over commodity prices by its control over the volume of currency in circulation, and I maintained this position in my correspondence with Professor Fisher. I understand that it was Mr. Paul Warburg's idea, when he was a member of the Federal Reserve Board, that the board should take into consideration the existing level of commodity prices in fixing the board's re-discount rates, and there is certainly no question that the power of the Federal Reserve Board in this regard is great and if exercised with that intention might do a great deal to stabilize the situation. Unfortunately, the power of the Federal Reserve Board is exercised without legal checks or safeguards against abuse, and the sympathies of the members of the Federal Reserve Board are played upon alternately by one class or another, so that it is inevitable that, without any definite policy laid down in the law, no absolute reliance can be placed upon the Federal Reserve Act to stabilize commodity prices, or in other words to stabilize the purchasing power of the dollar, however beneficent the act may be in stabilizing the supply and the price of credit and in steadying the whole industrial machine.

I have prepared a chart to illustrate the power of the Federal Reserve Board in this regard, which chart is here shown—Diagram "K."

The vertical distances on this chart are laid out to represent a percentage scale, the lines being drawn at every ten points. The horizontal distances may be considered any unit which we desire, say so many dollars per capita. Let us suppose, however, that each horizontal space indicates $100,000,000. It is obvious from this chart that if the Federal Reserve Board fixes its rediscounting rates at such a figure as to maintain a reserve of eighty per cent gold behind the outstanding Federal Reserve note, and if we have $200,000,000 of gold reserve, that this will support $250,000,000 of currency.



DIAG. K THE POWER OF THE FEDERAL RESERVE BOARD

If now the re-discount rate is so fixed as to reduce the percentage gold reserve to forty per cent, the legal minimum fixed by law, then the amount of outstanding Federal Reserve notes supported by this gold will be $500,000,000. Now we can see that if the supply of gold in the Federal Reserve Bank is increased by another $200,000,000, either by imports of gold or discovery of new sources of gold, or otherwise, and the reserve is maintained at forty per cent, there will be an outstanding supply of Federal Reserve notes equal to $1,000,000,000. The same supply of gold under an eighty per cent reserve supporting $500,000,000 or the same amount as $200,000,000 worth of gold on a basis of forty per cent reserve.

From this it is obvious that the control of the Federal Reserve Board over the supply of outstanding currency is very great, but it is to be noted that, as the re-discount rate is increased, while the tendency is to reduce the outstanding volume of circulating currency, yet this same action puts into effect countervailing influences, such as encouraging the import of gold or discouraging the export of gold. Also, it is obvious that the control of the Federal Reserve Board over the fundamental supplies of gold as a metal is not absolute and complete, so that we cannot look to this source for a complete solution of our problem of stabilizing the dollar in its general average purchasing power.

Another solution which has been proposed many times, is that expounded to us this evening by Mr. Grunsky, and which is commonly known as the "tabular standard" or "multiple standard" of value.

This proposition simply comprehends that contracts shall not be written in dollars or in gold, but shall be written in terms of the average value of a considerable number of commodities. As to this proposition, I will say that it is perfectly sound and feasible so far as it goes, but limited in its application. It also has the tendency, wherever adopted, to educate the public as to the real source of our troubles and to point them inevitably to the only logical remedy.

The plan is particularly valuable in fixing the compensation of public servants, such as public officials, firemen, policemen, postmen, judges, school teachers, professors, etc. These people are paid out of the public funds, and their contracts of employment, or the laws fixing their compensation, could, without injustice to anyone and with great justice to them, be made to read in terms of some unit which was based upon the average price of commodities.

The plan is also possible in certain private activities and is now in use by the Irving National Bank of New York, the Bankers Trust Company of New York, the Oneida Community, The Index Visible Company of New Haven, Conn., and a number of others, who have

arranged to compensate their employees according to the fluctuations in the cost of living, so that when there is an increase in commodity prices, the compensation is automatically increased, and when there is a decrease the compensation is automatically decreased.

Our labor leaders should by all means endeavor to include in contracts of collective bargaining some method of calculating the wages by reference to general commodity prices, and it is a surprise to me that this has not been more generally done. The cost of living figure of the United States Bureau of Labor Statistics would be a splendid index figure to use for this purpose. Furthermore, some reference to general commodity prices should be included in franchises as granted by cities to street railroads and other public utilities. Under such a plan, when there was an increase in commodity prices and in the cost of operating the utility, there would be an automatic increase in the charge made to the public, thus maintaining the financial soundness of the utility company, and when the price of commodities decreased there would be a corresponding saving to the public, with no sacrifice of soundness of the utility.

Such an idea might also be adopted and incorporated by the railroad and public utility commissions of the country in making their rate decisions. A great deal of time is now consumed by these commissions in ascertaining the existing market value of utilities whose rates they are fixing, which values are constantly fluctuating with the purchasing power of the dollar. There is no reason why this value once having been ascertained as of a given date and the rate fixed accordingly it should not be provided that when commodities increase in value the rate would automatically be increased, and that, should there be a decrease in commodity prices, the rate would be automatically decreased, because in the last analysis, the value of public service must find its true level in the value of the labor and commodities entering into the production of the service which is being sold.

The difficulty with the plan, if we should attempt to put it into general application, is that the limiting line as to where it would be used cannot be clearly or definitely marked, and, therefore, an attempt to introduce it would lead to constant misunderstanding.

For example—the demarking line between momentary and time transactions can never be clearly drawn. Let us suppose that I make a deposit in the bank; I may return in fifteen minutes and draw out the deposit or I may allow it to remain for a year or longer. If I draw it out in fifteen minutes, then will it be necessary to calculate the new number of dollars in the deposit; or if the line is not drawn at fifteen minutes, then where will the line be drawn? If drawn say at thirty days

and I leave my deposit for twenty-nine days and in the mean time there has been a change in commodity prices, then I will draw out the same number of dollars, but if I leave it in thirty-one days, then I will not draw out the same number of dollars, but a different number, varying as commodity prices have gone up or down.

Similarly, there would be a question as to where the line should be drawn between large and small transactions. If we draw the line at transactions of $100 and over and a loan of money of $99 is made, so that, together with the interest at maturity, the total amounts to more than $100, then would the loan be settled in the number of units which the combined amounts would have purchased when the loan was made? And a freight bill or a charge for electric light or power amounting to less than $100 would still be unregulated, but if the bill amounted to more than $100, then the consumer would pay the new unit. It is obvious that this would not remedy the situation so far as car fare and other public utility charges are concerned, and as previously stated, would lead to a considerable amount of misunderstanding.

There is the further objection that, if wages are paid in commodity units or according to the tabular or multiple standard, then the corporation should at the same time be in position to purchase its supplies and sell its products in the same unit, and would its customers or suppliers agree to this?

The same objection to this plan can be made that many people ignorantly make to the Fisher plan in the thought that the individual would be under the necessity of constantly recalculating the amount due him.

The only solution is a general and nation-wide standard monetary unit of value. We cannot adopt a partial solution, such as that proposed by Mr. Grunsky, any more than we can partly adopt daylight saving. Just as it is not feasible for a given state or a given city or a given factory to go on the daylight saving plan, whereas it was perfectly feasible for the entire country to do so, so we cannot adopt any partial solution of the monetary problem, but must so stabilize our unit of value, our dollar itself, that it will always buy a given amount of average commodities.

Only Non-Standardized Unit

Our dollar as a unit of value is today the only unit commonly used in commercial practice which has not been very diligently and elaborately standardized. Our watt, our yard, our degree of temperature, our thermal unit, and so on through a long list, all have been carefully standardized. In fact our yard has been standardized with such care that, in observing the bar of alloy maintained in the city of Washington,

the reader is obliged to view the same through telescopes, located across the room, so that the temperature of his body will not affect the length of the standard bar which is always kept at a uniform temperature in a glass enclosed case.

However, it was not always thus. Originally the yard was the length of the chieftain's girth. Subsequently it was "standardized" as the length of the arm of Henry IV. I can imagine that when an effort was made to standardize the yard there was considerable opposition from people who profited by the existing uncertainty. However, I do not believe that any of our merchants who are today buying and selling commodities by the yard would advocate going back to a standard of measurement which would fluctuate so violently as the yard would have fluctuated between the administrations of Mr. Taft and Mr. Wilson, for example.

There is this to be said for Mr. Grunsky, that his plan does credit to his estimate of the American people, inasmuch as it pre-supposes on their part a high degree of average general intelligence (Laughter), whereas, the Fisher plan pre-supposes a high degree of general average intelligence, at least for a few moments, or long enough to pass the necessary bill, on the part only of our national legislators. (Laughter.)

One Legislative Act

There is the additional advantage upon the side of the Fisher plan, that it will require but one act of one legislature to put it into effect throughout the entire country, whereas, Mr. Grunsky's plan would require an act by the national legislature to fix the method of measuring the proposed units of value, and in addition it would require an act by each state legislature to provide that contracts written in terms of such units should be considered as negotiable instruments under the various negotiable instruments acts, and should be otherwise enforceable in the courts of the various states as contracts written in terms of money.

The Constitution delegates to the United States the right to fix the value of money, so there is no question as to the power of the national legislature to legislate upon this subject in such a way as to effect the desired reform throughout the entire United States.

All that I have said has been necessary to form the background and to give you the proper understanding of the situation so that you would comprehend the Fisher plan when laid before you.

After all there is nothing complicated, abstruse, theoretical or untried about the Fisher plan. The difficulty is simply to induce people who have not thought about the subject, to give it the proper considera-

tion, and to understand the necessity for it, and the ease with which it can be put into effect, and the desirable results which will flow from its adoption.

The Fisher Plan

The plan proposed by Professor Fisher may be comprehended in five clauses, which I will paraphrase and explain as follows:

1. Abolish gold coin entirely.

Inasmuch as gold coins are practically non-existent at the present time there is no great obstacle to be encountered in this proposal. In order to test this matter, I will ask all of those here present who have seen a gold coin in the last thirty days to please raise their hands. I see that there is one man in the gallery, thus clearly demonstrating the fact that gold coins are today practically non-existent.

2. Vary the *weight* of gold behind the gold certificate from time to time, say monthly, so as to keep its *value* constant.

To explain this, I have brought here a $10 gold certificate. Incidentally I may explain that I had some difficulty in obtaining this, because the Federal Reserve Bank has acquired nearly all of the gold and gold certificates to form the basis for its Federal Reserve Notes, thereby helping to create the present condition of high price levels. See Diagram "B." (Applause.) This $10 gold certificate is nothing but a warehouse receipt and calls for 258 grains of gold 9/10 fine. When this $10 gold certificate is circulated from hand to hand, no one thinks of the amount of gold behind the certificate, his thought being given merely to its purchasing power. We all know, however, that the purchasing power of this $10 gold certificate has declined since it was issued, and that if I had taken it a few years ago at one figure and tried to spend it today, I would not be able to buy as much for it today as I would have been able to buy, say, five years ago. This is a condition which we rebel at, and we contend that inasmuch as the gold behind this certificate has decreased in value, the Government should place more gold behind the certificate, thereby giving its money a uniform purchasing power in terms of average commodities.

3. Determine the weight of gold behind the dollar by reference to an index number, calculated, by a responsible Government body, acting under full publicity, according to rules carefully prescribed.

What I have already said as to the calculation of index figures and as to the immateriality of the methods used in calculating these figures fully explains this part of the Fisher plan, and I think it has been

thoroughly demonstrated that there is nothing impractical or theoretical about this proposal, inasmuch as business men are today studying and relying upon index figures as calculated by a number of different agencies. This will put the power now arbitrarily, sometimes unscientifically, exercised by the Federal Reserve Board over commodity prices into the hands of some governmental agency which will act with full publicity and under an explicit legal compulsion to stabilize the purchasing power of the dollar in terms of general commodities.

> 4. Retain the present right to deposit gold freely in the Treasury and to receive money therefor, also the right to surrender money and receive gold therefor.

This clause in the plan destroys any argument that it will provide us with nothing but 'fiat" money. The Fisher dollar will be redeemable in gold, and since you cannot have fiat money so long as it is fully redeemable this clause in the plan saves it from the fiat money curse.

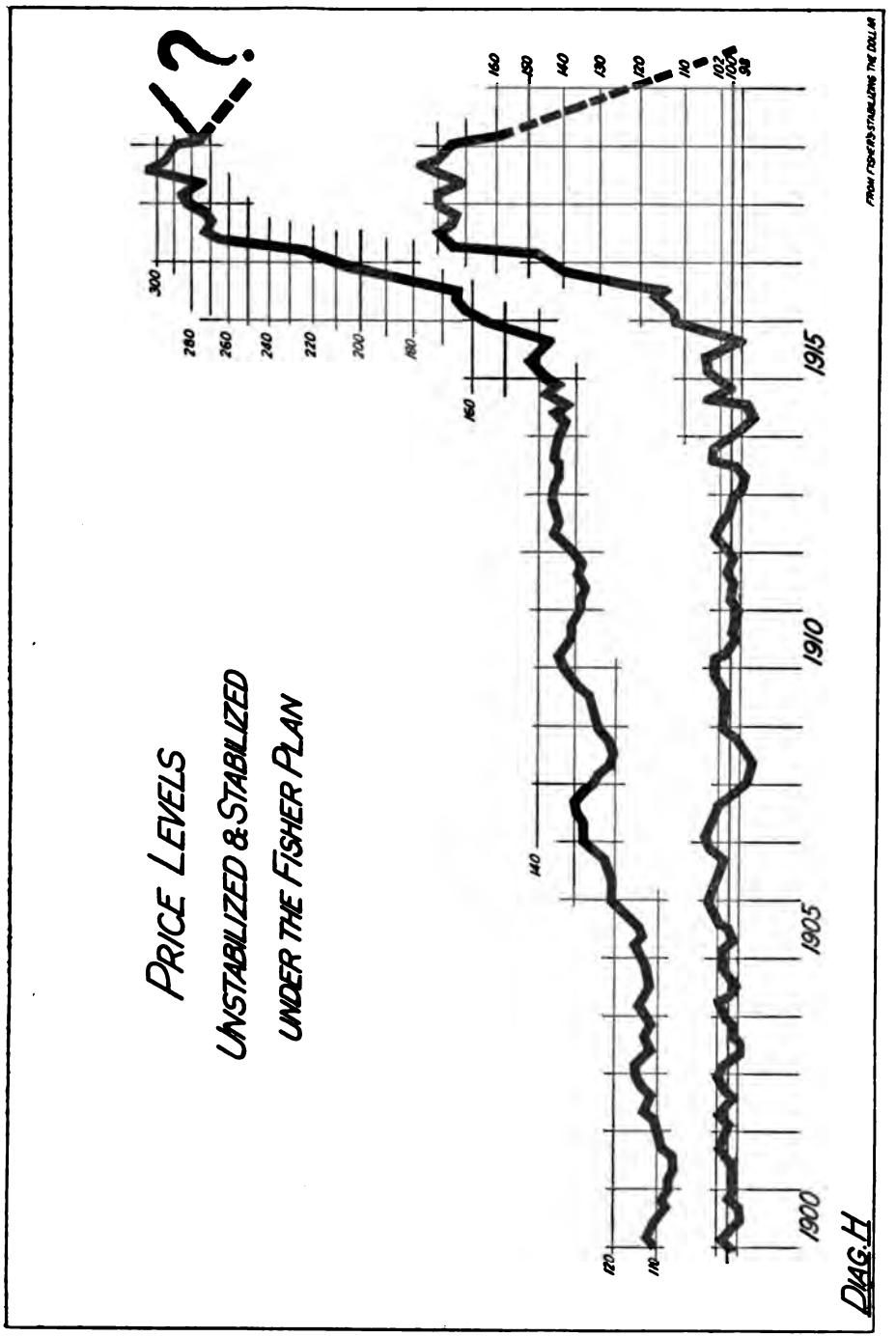
> 5. Impose a percentage charge of one per cent for depositing gold (called "brassage"); no one change in the weight of gold behind the dollar to exceed this percentage.

The object of this clause is to prohibit, by making it unprofitable, speculation at the expense of the Government on advance information as to changes in the weight of gold behind the dollar. Otherwise, if it were known tonight that the Government tomorrow would give more gold in exchange for its gold certificate, there might be a profit in buying up gold certificates today, surrendering them to the Government at today's figure and tomorrow exchanging the gold for money. With this percentage charge imposed, this operation would be rendered unprofitable, and would not be indulged in.

What Might Have Been

Diagram "H" shows on the upper line the price levels which have actually maintained during the period indicated under our present system of an unstabilized monetary standard. The lower line shows the prices that would have maintained in terms of dollars, if Professor Fisher's plan for stabilizing the dollar in terms of commodities had been put into effect.

At this point, I would like to explain that all of these diagrams, which have been copied from Professor Fisher's book, "Stabilizing the Dollar," are based upon logarithmic distances and not upon arithmetical distances. Thus the distances between the horizontal lines are so arranged that the variations can be read in percentages.


PRICE LEVELS
UNSTABILIZED & STABILIZED
UNDER THE FISHER PLAN
?
300
280
260
240
220
200
180
160
140
120
110
160
150
140
130
120
110
102
100
98
1900
1905
1910
1915
FROM FISHER'S-STABILIZING THE DOLLAR
DIAG. H

Diagrams having arithmetical distances between the horizontal lines are satisfactory where the diagram can run down to a zero point. If this is not possible, however, the eye is deceived by the relative fluctuations on such a chart, and while for purposes of propaganda it might be more satisfactory to use the ordinary form of arithmetical chart, yet in the interest of true representation of the facts the logarithmic chart has here been employed.

With this explanation, it will be easy to understand the meaning of the two lines shown upon Diagram H. It will be observed that under unstabilized conditions, commodity prices would have increased from 110 to 140, or 30 points from 1900 to the end of 1914. Under the Fisher plan there would have been minor monthly fluctuations, but no permanent increase during this time; the price level during the latter part of 1914 being the same as the price level in 1900. Only three times during this period would the price level have decreased more than two per cent from the normal line, and whether it had increased or decreased from the normal line would be immaterial, in view of the fact that it would be common knowledge that the price level would return to the normal line just as rapidly as the operation of the one per cent per month change would permit. This condition has been referred to as analogous to an automobile, which does not maintain a straight line down the road but swings first one way and then the other, being frequently returned toward the center of the road by a slight turn of the driver's hand, and by this means the course is maintained sufficiently near the center of the road for all practical purposes. That is exactly the way the Fisher plan would operate. While prices would fluctuate to a minor degree, yet they would be constantly subjected to pressure which would soon bring them back to the normal line.

This chart further illustrates the fact that the Fisher plan will not interfere with the financing of a foreign war by means of inflation—the most painless method of taxation known to the politician and the only practical means of financing a foreign war. However, it is to be observed that the inflation which would have followed under the Fisher plan, would have increased prices a maximum of eighty per cent, while under the unstabilized system, from the end of 1914 up to the year 1919, prices increased from 140 to 300, or 160 points.

There is this further advantage, which would accrue if we had the Fisher plan in effect at this time, and that is that we would know that the price level would again return as rapidly as possible under the operation of the one per cent a month provision to the normal and stable line, ***and no lower***; whereas, under existing unstabilized conditions, we have no knowledge as to whether prices are really going up or going

down, or how far up or down they are going. The result is that business is uncertain, and our entire economic and political system is disorganized and in a state of flux.

The cry we are hearing at the present time is one of distress at the high cost of living. Let prices tend to drop for a short period and the shoe will be on the other foot. The cry will then be, as it was during the period ending in 1896, against the scarcity of money and of jobs, the unusual number of business failures, and the other conditions which invariably accompany a period of decreasing prices.

This is unfortunately inevitable under our existing system and it is to be observed that very definite forces are now acting toward this result, but I can assure you that the condition is altogether unnecessary, and when you begin to experience the pinch which is going to accompany the decrease in our supply of money, let me remind you that the adoption of the Fisher plan will save us against such unfortunate situations in future.

Results Expected

Let us now consider what would be some of the other valuable results to be expected from the adoption of this plan.

First, as shown, it would give us a dollar of practically uniform value in terms of general commodities, and thus would stabilize commodity price levels, not individual commodity prices.

Second, it would assure stability to the value of the security underlying all investments, such as bonds and mortgages.

Third, it would give us a real standard measure of value in terms of commonly used commodities, thus subjecting to standardization practically the only important commercial unit, which has not already been standardized—the dollar.

Fourth, it would stabilize our industrial conditions through the elimination of uncertainty as to the wage possible to be paid by the employer or the standard of living obtainable by the employee from a given wage.

Fifth, it would reduce unemployment, business failures, bank failures, strikes, unsound agitation, mistrust of Government, suspicion of business men. Thus it would increase production and general coöperation and promote the well being of humanity.

The advantages of such conditions to various classes of people are obvious.

To labor, it would mean that a given wage once obtained might be counted upon to afford a given standard of living, rendering strikes less frequent and therefore more effective when necessary.

To investors, it would mean a stabilization in the value of underlying collaterals, and would make investments safer.

To employers, it would mean a reduction in wage disputes, assure a more constant demand for the product and stabilize the cost of supplies.

To bankers, it would mean a reduction in the present great hazard of depreciation of security through manipulation of the dollar and a reduction in the number of business failures, with which they would have to contend.

To public utilities, it would mean a stabilization of labor and material costs with reference to income, reducing the necessity for appeals to public utility commissions and increasing the effectiveness of such appeals when necessary.

To retail merchants, it would mean that larger stocks could be carried with small risk of depreciation through manipulation of the dollar and it would mean minimizing the risk of failure, due to decreasing commodity prices.

To farmers, it will mean lower interest rates through greater security, larger borrowing power, stable income, freedom from manipulation of prices under the guise of fluctuating gold.

To speculators, it would mean different things. To legitimate speculators, it will mean that one element of doubt in their business will be removed. They can buy eggs in April and sell them in January with less risk and less charge for their services than at present, and thereby they will increase the production and lower the average price of eggs. To illegitimate speculators, those who gamble on the price of gold and sometimes attempt to control it, it is anathema; it will force them into some honest productive activity.

To manipulators and imperialists, those who look upon themselves as sent by some Divine Power to rule over the rest of us, the plan is, in short, the invention of the devil.

To the general public, it will mean calm and peace as against storm and war in industry, business and social relations generally. It will remove, by curing the cause of, what the late Carleton Parker called "symptoms of diseased industry."

Authorities

I do not ask you to accept these broad statements upon my authority alone. They are supported by the most eminent authority.

Thus Roger Babson, in his statistical letter of January 20, 1920:

"Business would simply be set free from future shocks. The ordinary man would be quite unaware of any change in system, except that his dollar would always buy the same amount of goods. There

would be no more disturbance than when we adopted 'daylight saving,' or when we shifted our watches from local to standard time.

"The plan is not a cure-all, but it would prevent the constant disarrangement of business and social conditions which result from any radical change in the buying power of our money. It would keep long-term contracts safe from being upset by changing price levels. The buyer of long-term bonds, or the maker of a long-term lease would know exactly the value of the money with which he would be paid at the maturity of the obligation. It would allay much of the unrest of labor and its demands for higher wages, for to a great extent these are solely the result of a rising level of living cost. It would show that the principal criminal has been our mischievous dollar, which, though masquerading as a standard of value, has been simply a standard of weight.

"The best recommendation of the soundness and practicability of the plan is the fact that some 200 of the foremost economists, bankers and business men are now behind a movement to put it into effect."

John Perrin, Federal Reserve agent at San Francisco and chairman of the board of directors of the Federal Reserve Bank, is quoted by Professor Fisher in his recent book, "Stabilizing the Dollar," as follows:

"Even if put into effect for this country alone upon the basis of one of our present imperfectly constructed index numbers, it would obviously eliminate largely the fluctuating value of the dollar which now injects such uncertainty into all dealings. The direct and collateral benefits from such a result are almost beyond conception."

Dr. Royal Meeker, Chief of the United States Bureau of Labor Statistics, is quoted by Professor Fisher as follows:

"I think you have answered all difficulties. Your scheme seems to me to be the simplest and most practical scheme possible to be devised. I most heartily endorse your plan."

Professor Hadley of Yale University is quoted as follows:

"I will own that when I first read of the plan I thought it would be very difficult to carry out in practice. On further consideration, I am confident that this difficulty is much less than I at first supposed; and that the advantage to be gained by the adoption of a project of this kind makes it worth while to meet and solve whatever difficulties are incident to its introduction."

A number of chambers of commerce and business organizations have adopted resolutions in favor of the plan and the American Federation of Labor in June, 1919, went on record with the following resolution:

"That the Executive Council be and is hereby instructed to make a study of the problem of establishing a dollar of stabilized purchasing

power, as it may be presented through legislative efforts or otherwise during the year and to submit a report upon the subject at the 1920 Convention."

Senator Myers says, "I am interested in stabilizing the dollar. I think it would be to the interest of everybody in this country to have it made stable."

Senator Owen says, "The plan is feasible and meritorious."

Mr. William Kent, formerly of the Tariff Board and now a candidate for the United States Senate from the State of California, says, "The only question in my mind as concerns your scheme is as to when it should be adopted."

Mr. William S. Culbertson, another member of the Tariff Board, says in writing to Professor Fisher, "Your proposed remedy for fluctuating price levels should have the serious and immediate consideration of Congress."

A recent convert to the plan is Mr. John E. Rovensky, vice-president of the National Bank of Commerce in New York, who in a recent letter to Professor Fisher said:

"The time has long passed when any one commodity can satisfactorily perform the functions of a standard of deferred payments and all the other functions that the ideal monetary medium should perform. Your plan is the best that I have had the opportunity of studying. I can see some difficulties that would arise but they are no greater than the difficulties that any such important change would involve. They do not appear unsurmountable to me and the benefits to be obtained outweigh them.

"The task of educating the public up to the point where they would accept your plan is one that in my judgment will take many years, I believe, however, that it will ultimately be adopted. . . ."

I have already consumed too much of your time, but before closing, I want to introduce the following resolution for consideration at this meeting:

Resolution

Whereas our national unit of value is the only important commercial unit remaining unstandardized, and

Whereas the fluctuations in the value of our present dollar, which is the equivalent of a fixed weight of gold, are reflected in increasing and decreasing prices of commodities, and

Whereas these fluctuations in periods of decreasing prices cause business failures and unemployment, and in periods of increasing prices cause profiteering and strikes, and in either case bring about decreased production, social unrest, class hatred and work positive injustice to the victims of the current change, and

Whereas the plan, known as the Irving Fisher plan for stabilizing the dollar, as a real standard unit of value appears to us as sound, practical, and feasible and as sure to tend toward smoother and more equitable social and economic condition;

Be It Resolved: that the members of the Commonwealth Club of California, at this meeting assembled, endorse and approve the Irving Fisher plan and urge its adoption into the national legal and economic fabric, and

Be It Further Resolved: that a post card vote of the membership of the Club be taken on this resolution after the distribution of the Transactions in which this meeting is reported, and

Be It Further Resolved: that the result of said post card vote, with a copy of the said Transactions, be communicated to the Representatives and Senators now in the Congress of the United States and be given such other publicity as to the Governors of the Club shall seem proper.

Conclusion

In moving the adoption of this resolution, I wish to close with the following general statement; and incidentally I think that this statement will make plain my position on a number of propositions which I have submitted to the Commonwealth Club upon other occasions and the upshot of which is that I have been told by some of my friends that I am considered as entirely too radical.

America, to my mind, in the last analysis, stands for just two things: First, ruthless, impartial, even-handed justice; and, second, absolute equality of opportunity.

Those of us who believe in America, as thus defined, as against anything or everything else; in justice, as against class or personal favoritism; in equality of opportunity as against privilege by law or by inheritance or by other means; those of us who believe in democracy as against autocracy; in the system of individual ownership of property as against communism; in the value of individual initiative and of personal interest as against state socialism and bureaucratic officialism; in short, those of us who believe and propose to defend sound ideas against attacks by the apostles of fallacy, we must be the first to see, to admit and to move to eliminate those elements in the system which we espouse which are contrary to our principles of justice and equity.

Permit me on this point to quote a few lines from Professor Fisher's book, "Stabilizing the Dollar."

"Inertia is a dangerous state of mind when effective and far-reaching action is sorely needed, as at present.

"If the question of stabilization is not faced and solved in an impartial and scientific spirit, we ought not to be surprised if it should become the bone of contention of special interests or if specious but unsound monetary schemes should again find a hearing.

"If the price level is left, as it always has been, to chance, the grave evils of this policy, or lack of policy, may be greater in the future than they have been in the past, because of the already inflamed or Bolshevist condition of the public mind.

"In short, we now hold the future prosperity and stability of the world in our hands. The situation, both as to the price level and as to public interest in the price level, is such that we have a rare opportunity to take a new step forward in our economic life, a radical step to be sure, but one which will save us, as nothing else can, from the dangerous radicalism with which we are now threatened."

So, then, I call upon you who love America, who cherish her ideals, who accept the principles of the founders of this country; I call upon you to uproot and destroy, not to gloss over, those elements in our present social machinery which do not promote social justice, lest the enemies of America, the apostles of darkness, the preachers of anarchy and sedition, seize upon those very weaknesses to work our own undoing.

There are some social reforms which I have advocated before this Club which can wait until the future; but the injustice inherent in our wicked dollar, a unit of weight masquerading as a measure of value, this is immediate, obvious, insistent.

Your vote for the resolution I have offered is the evidence of your belief in America, in common justice, in social and economic soundness.

THE PRESIDENT: The consideration of this resolution will be deferred until after we have completed our program.

We are extremely fortunate in having with us this evening Professor Edwin R. A. Seligman, of Columbia University, New York, who will give us the benefit of his views on "The Economic and Political Aspects of Plans for a Compensated Dollar." I have the great privilege of presenting to you Professor Seligman. (Applause.)

Statement by Prof. Edwin R. A. Seligman

PROF. SELIGMAN: It is with considerable embarrassment that I rise to address you this evening, and I say that for several reasons. In the first place, at this late hour, I marvel at the patience with which you seem to be ready to have another burden added to those already imposed upon you. (Laughter.) In the second place, I am in the difficult position of belying my own reputation, because you have heard advanced to you tonight most interesting theories. Now, while it is indeed my function, in general, to propound theories, tonight, as you have heard, I have been allotted the task of calling attention to certain practical and political aspects of the problem. Another most embarrassing feature of the situation is that I am asked, not, indeed, to throw cold water upon the plan—for far be it upon me to attempt such a thing as that, but at all events to call attention to a few lingering doubts, that may arise in the minds of some of us, especially when one of the avowed objects of this whole plan is to benefit the poor college professor, such as you see before you tonight. (Laughter.) And not the least, though the last of all my embarrassments, lies in the fact that the propounder of the plan, Professor Irving Fisher, is an old, a valued, and a highly respected friend of, not alone myself, but of every real economist in this country. (Applause.)

With those prefatory remarks, I should like to state that, so far as the facts are concerned, I am in hearty agreement with almost everything that has been said in the way of analysis of the evils of the present situation. In fact, you may almost say of a standard of value what has often been said of a tax:

> "He who expects a perfect tax to see
> Expects what ne'er was and ne'er will be."

I feel very much the same way with reference to both propositions that have been placed before us tonight. They are in many respects admirable. If they could be carried out without any compensating disadvantages, they would be not alone admirable but in the highest degree desirable. And from many points of view, I am confident that, even despite some disadvantages, they would, if practicable, constitute a decided improvement upon our present situation.

It is needless to recount all the evils, both political and economic, that have been caused by these oscillations of value. To speak only of our own country in the most recent times, we know that the silver campaign in the nineties was simply the result of an anti-climax of

the descending prices of the generation before; and we do not need to be told what is the situation today.

One point, however, I should like to emphasize. It is that there is nothing new under the sun. For, given the average degree of intelligence, when you have similar conditions, you will always find similar reactions. These very plans, that of your president, Mr. Grunsky, as well as that of Professor Fisher, are old plans, well known to all economic students. No less than four times in the last hundred years have they been advanced. The first time was in the thirties, when we were coming down from the high price level of the close of the Napoleonic wars almost to the low level of that time. Two well known authors, Mr. Lowe and Mr. Porter, advanced the plan in several books that were published in the thirties. Then it rested for a time until 1870, when we had that great recession from the high prices of the Civil war, when Stanley Jevons advanced a scheme in almost the same words as those of Mr. Grunsky at present—he calling it the multiple or the commodity standard. Next, in 1892, when we were almost at the close of the period of falling prices, with all the sad results which we saw typified in the Bryan campaign, Mr. Aneurin Williams wrote an article propounding virtually the same scheme as that of Professor Fisher today. Their plans at the time aroused considerable comment and no less eminent men than Walter Bagehot, the editor of the Economist, and Sir Robert Giffen, the famous statistician, discussed the matter, although in a rather negative way. Giffen, indeed, entitled his criticism "Fancy monetary standards." And now, under the stress of the present situation, Professor Fisher, in complete ignorance or forgetfulness of what had been done before, Professor Fisher with his keen ability and his broad grasp of the situation, advances the plan for the fourth time. Finally, today it is being taken up by such able exponents as you have heard at this meeting.

In the few minutes that are allotted to me, I shall content myself with calling attention to some of the doubts that still remain in my mind, not as to the theoretic excellence of the scheme, but as to its practical workability. Even as to theoretic excellence, however, something might be said. Indeed, one of the points that has often been urged against the idea of the index number is that no index number pays any attention to house rent, and we all know that in the average family budget, house rent covers all the way from one-seventh to one-fourth of the annual expenditure. So that an index number which is based only upon commodities and does not pay any attention to what is the chief single item in the aggregate, or total

expenditure, is not, theoretically at all events, completely unexceptionable or perfect. I quite agree, however, with Mr. Lombard in thinking that it does not make very much difference what kind of an index number you employ; for, in the long run, they all amount to about the same thing, and they give you a fairly good idea of the actual change in the value of money.

A real doubt, however, lies in my mind, in two or three other respects. When you deal with the prices of commodities, you are dealing with only one element in the problem. The other element is that of the money incomes of individuals. So far as wages and salaries are concerned, we all believe that there occurs a gradual rise in the standard of life and an increase, as we have seen in this country, in the wages that are received by the laboring population. Where you have a gold standard, as at present, and where you have rising prices, as at present, it is difficult enough for the laborers to secure a rise in money wages which will correspond to the rise in the cost of living. If, however, that were wiped out by a completely stabilized dollar, would it not import even greater difficulties into the industrial field, to bring about, as inevitably would have to be brought about, that greater rise in wages which would mean the normal increase in real wages?

This is a point which has been neglected by the modern writers, although Giffen called attention to it twenty-five or thirty years ago. A satisfactory standard of value must deal, not alone with prices, but also with incomes.

This brings me to your president's in many respects admirable plan. We have heard some objections to it advanced by Mr. Lombard; there still remains another objection which I would mention: those of you who have to pay this year an income tax or an excess profits tax, how much of the excess profit that you have made this year, how much of the increased income that you have received this year, constitutes your real income, or your real profits, and how much of it is simply due to the change in the standard of value? Will you pay your tax in dollars, or will you pay your tax in what your president calls "coms"? I think that mere question will show the difficulty, I won't say the impracticability, of attempting to have a com or commodity standard side by side with a dollar standard.

If, however, you prefer Professor Fisher's scheme, which calls for only one standard, namely, the compensated dollar, the question then arises: what will ensue in connection with your foreign trade? What will happen to those who either import or export commodities? Will you not need, as a practical measure, to introduce a new

insurance premium, in order to offset the speculative element which will inevitably be introduced into all export and import business by the adoption of such a scheme? Professor Fisher conceded at a meeting of the American Economic Association a few years ago, when his proposition was discussed by some of us, and that particular point was raised, that his plan was impracticable for a single country, and that the point I just mentioned was quite sufficient to render the plan feasible only through an international agreement. In his new book, which has just been published, he does not take back, so far as I can learn, that statement which is now on record, but he now assumes by implication that we can "go it alone." Yet, so far as I have been able to see, he has not refuted the objections which were made at the time and which were conceded by him at the time as valid. If, then, it is true that such a project as this, highly useful though it be, highly desirable, if it were practicable—if such a scheme as this is possible only through international agreement, what chance is there of looking forward to its consummation in the present stage of the world?

Finally, I would call attention to one other matter. Nations, like individuals, are frequently called upon to suffer retribution, to pay the penalty, the well-merited penalty, for errors that they have committed. With all its faults, our present gold standard, is at least good in this respect, that it reflects the folly, the iniquity, and the injustice of governmental action. Compare the price level in Italy or in France today with that in England. Compare the price level in Germany or in Russia with that in the United States. They are all the reflex of the errors that have been committed in the different countries. If Professor Fisher's plan were adopted, and if it could be carried out in each country, the consequence of these errors would in large part be wiped out, the evidence of these mistakes would disappear. There would not be any increase in prices in Russia. There would not be any increase in prices in Germany. There would not be any increase in prices in France or in Italy. And all these countries, so far as the ordinary citizen is concerned, would appear to be on the same level of rectitude. Apart from the different gold content of the separate coins, which would circulate, all the various countries would seem to be on a par. I, for one, gentlemen, object to nations, or individuals, being exempted from the results of their own folly. (Applause.)

We see, therefore, that the gold standard, with all its injustices, with all the objections which can be raised against it, nevertheless still possesses certain compensating advantages which might, at all

events, have to be foregone if we were to adopt this abstractly desirable scheme.

In closing, let me say this: My object has not been, as I have stated, to throw cold water upon the plan. On the contrary, I think that the plan is one well worthy of careful study, one which deserves much more careful attention than it has received. I feel assured that some day in the distant future we shall reach a stabilized, not, indeed, a stabilized dollar, but a stabilized international unit, just as one day we shall reach a stabilized international peace. But that day is far off. And in the interval, if we, or if you in this company, can do your part in helping either this city or this country or the world as a whole to appreciate some of the difficulties and shortcomings of our present system, you will have done all that can be expected of you. (Applause.)

Discussion by the Meeting

THE PRESIDENT: There is still available about twenty-five minutes for a discussion of this subject under our five-minute rule, gentlemen.

Remarks by Edward F. Adams

MR. ADAMS: Mr. President: As I have to go, I simply want to say one word in regard to the resolution that has been presented. The papers and the discussion we have had here tonight have been to me highly interesting, highly instructive and exceedingly useful. Those whose memories run back to the time when I was President of the Club will remember that I was exceedingly insistent upon such portion of the membership as were present at any meeting expressing their opinion on the subject before us at that meeting. But that was because this Club was organized particularly for the discussion of subjects pertaining to this Commonwealth, and, as a rule, the subjects before us were such as the Governors might desire to take action upon and in which they desired, for their own guidance, some evidence of the trend of opinion among the membership of the Club, so that they might truly represent it. But when one of the most complicated subjects that can be presented to any audience has been discussed so interestingly, so pleasantly, and so ably by all who have presented it, as has been the case here this evening, having in mind the standing and reputation of the Club itself and its influence in the community, I should be sorry to see it vote tonight on such a brief presentation of a subject well worthy a year's careful study, I should be very sorry to see the Club, offhand, upon the spur of the moment, under the influence of the present suggestion, express its opinion either one way or another. And, while I do not propose to make any motion to lay the matter upon the table, because I do not care to go in opposition to the general wish of those present, I should think it the part of wisdom of the Club to defer any expression of opinion until most of us know more about it. (Applause.)

THE PRESIDENT: We have with us this evening, Mr. John A. Bennett. If I understand it correctly, Mr. Bennett represents the Labor Council here this evening. We should be glad to hear from Mr. Bennett.

Remarks by John E. Bennett

MR. BENNETT: I represent organized labor, Mr. Chairman and gentlemen. Organized labor has a particular interest in this question, in that the weakening of the dollar is experienced in a painful

way by our people, in the failure to purchase with their pay envelopes the commodities necessary to maintain their standard of living. And the unemployment which the declining power of the dollar occasions strikes us first, before it hits those gentlemen who have incomes of a different order from wages.

The dollar has been declining in its power to purchase since 1896. The decline has not been uniform from year to year. Its course has been undulating, but its direction has been downward, until now we have it creditably announced that going no further back than 1913, an ounce of gold, then worth $20.67, has at present the purchasing power of but $9.00.

While the dollar has thus been failing in its ability to buy, what has in fact been occurring is that prices have been rising. The dollar is the register of values, and by its gauge we find that prices have been, in a zig-zag line, continuously ascending since 1896.

It is generally believed in collegiate and business circles that this phenomenon is altogether fiscal. Its cause is ascribed to what is termed "inflation of the currency," assumed to have been brought about through the continuously increasing issuance of money per capita of population; our per capita in 1896 being $21.44, while now it is in excess of $55.00. This doctrine, known as the"quantitative theory," concludes that if the money volume in society be enlarged as against all other forms of wealth whose volume of value is assumed to be relatively static, then, all transactions passing through the medium of money, it must occur that increase of the money mass makes each dollar buy less; whereas, if you make money scarce, each dollar must buy more.

When, however, you consider that the volume of wealth in society is not static, but is constantly increasing, and that anyone who has a carload of wheat may take its warehouse certificate to a bank and with it buy a credit, and thereupon issue checks which perform about all the functions of money, we then see that the government is not the real issuer of money at all, but it is the farm, or factory, or even the reputation of men for paying their debts, which admits of extending them credit; for all of the dollar that is used in these transactions is the mark.

Nevertheless upon this theory that rising prices is due to excess of money bulk, Professor Irving Fisher has devised a plan to, as he calls it, "stabilize the dollar." He would hold the volume of money down to the quantity of gold that it exists, first, in Nature to yield, and, second, that it may be economically profitable to produce. And he does not attempt by his plan to stop prices from rising; he

merely transfers the rise in prices to a rise in the dollar; that is, he cements his dollar to one commodity, gold, and fluctuates the price of gold rather than the price of other commodities. Of this latter he selects fifteen, and reaches among them a general average of price through an index figure. His dollar, therefore, if it be practicable at all, is essentially a shock-absorber.

The way Professor Fisher would increase the price of his dollar as the index figure rose, is by adding to the grains of gold already in the dollar other grains of gold. He would not, however, circulate his gold, but a paper representative of it, which would be blank as to the number of grains of gold behind it, and which would vary with the rise and fall of the index figure. The gold he would keep in Washington.

The dollar at 12 o'clock January 1st would contain say, 26 grains of gold, based upon a price index figure of 100. A paper certificate of that dollar is issued at Washington and passed to me. On February 1st following the price index figure has fallen; it takes less gold to buy the fifteen commodities. It has dropped to say, 80, and Washington has reduced my dollar to say, 20 grains. Clearly my dollar has lost six grains of gold. It does not answer to say that my 20-grain dollar would buy as much of the fifteen commodities as the 26-grain dollar would have bought on January 1st. That it would do so is utterly no affair of Washington, so far as I am concerned, and no excuse for Washington subtracting from me six grains of my property. I owned a dollar, and behind it was on January 1st, 26 grains of gold. Had I cashed in the dollar on that day I could have gotten 26 grains. Now within a month something has happened and Washington takes away six grains of my dollar. Surely if I had those grains on February 1st they would be worth something. They would be worth about 30 per cent of the dollar that I now hold. Clearly I made a mistake by holding on to that dollar. What I should have done would have been to have gone to Washington as soon as I received it and demanded my gold. And if Washington had refused to pay it, then the whole fiscal scheme would have gone to pot.

If I had meanwhile contracted to pay that dollar to anyone in the future is it not apparent that my agreement would have called for payment of dollars of grains of gold of the date of its making; not only of the date but of the precise minute of the date? And if on that date there had been a 26-grain dollar, is it supposable that I could have discharged that contract with a 20-grain dollar?

Professor Fisher would say that it is unreasonable to expect such violent drops in the index figures within a month as would bring the dollar from 26 to 20 grains. That the movement either way would not amount to more than 1½ per cent per month, and the small shifting would not cause one to cash in his dollar. But if Professor Fisher would think so he would be mistaken. Extremely slight movements would bring the dollar to the Treasurer's desk in Washington. If I received a $25^{8}/_{10}$ dollar today and it went to 26 tomorrow because the price prime rose: if I had 100,000 of such dollars why should I not cash them in at once? I would receive a profit of 20,000 grains of gold, worth nearly $4,000. Why should I not take that profit? What risk would I incur if I parted with my dollars in so taking it? If the dollar went down I could buy dollars with less gold than I had received, and so pocket the difference. But suppose it went up? Suppose that having cashed in my dollar at 26, in a few days, the index figure rising, the gold grains go to 28, and I have my proceeds from my 26-grain dollars and I want dollars instead of gold, for I can't buy on a 28-grain commodity market with a 26-grain dollar. What would I do about that? Would I lose two grains in exchanging my gold for paper? Not at all. I would sell the gold back to the government and get 28-grain paper for it! Why not? Is the government going to make its gold? Where will it get it? Won't it get it from the miner? And is it going to require ever more gold from the miner as the price now rises for him to buy a paper dollar with, with which to buy his wares? In other words, is the stabilizing dollar scheme a device to shift the rise of the commodity market over upon the miner—this necessary man who stands at the bottom of the whole project, to put whom out of business is to destroy the whole monetary system, if that system is to rest upon gold? Clearly the government must protect the miner. If it wants more gold to go into the dollar it must give him paper at some stable figure of grains, like 26 at least, and let him benefit by the rise as the price mark rises. Else surely the miner is going to be quickly shut out of business. For if he must produce ever more gold to buy paper dollars he must employ more men, and increase his general costs; and unless he is given some compensation for this the marginal producer would go of an instant, and the others would quickly follow.

And if the government would pay the miner a paper dollar for 26 grains of gold and that be 28 or 30 grains to keep pace with the rise of the index figure, so pocketing the loss of two or four grains, what would be the use of the miner mining to get his next batch of gold?

He would cash in his 30-grain dollar and get his 30 grains. Then he would ship 26 grains of it around to the mint in a package under the label of the mine, and pull down some more 30-grain dollars.

A government running along with such a monetary system as this would soon be selling a new batch of liberty bonds.

Truly no scheme of a dollar could be more unstable than this. So unsatisfactory would it become that it would soon lose its identity as the measure of value. The standard medium of exchange would cease to be the dollar; it would be the grain of gold. What would in reality occur would be that instead of the gold staying at Washington and the paper circulating, the paper would stay at Washington and the gold would circulate. The possessor of the dollar would want at once to translate it into something that would itself be stable, let the market for commodities be what it might. He would demand its grains of gold. And this would bring us right back to where we were before. We should have a fluctuating commodity market and a stable grain of gold.

But assuming that all of the above considerations are swept aside, and the Fisher dollar would do what the Professor thinks: the process of getting our monetary system on this gold grain basis would be most interesting. In 1916 the total stock of money in the United States was $4,780,000,000, which represented a per capita of $59.58; and that in circulation was only 500 millions less. Of this money stock, after Europe, unable to give us commodities for our goods because of the war, had flooded us with her gold—$2.700,-000,000 was gold. The large paper issuances of the Federal Reserve Bank since that time have greatly increased our paper as against gold. When we call in this paper and replace it with gold we are going to experience a large gold shortage. And the stabilized scheme will not have the quality, as we have shown, of opening the marginal mines, which being pressed out of existence by rising prices have reduced the gold yield 48 per cent since 1914. There would also be a number of people who despite the fact that their dollars would buy little when accosted by the index figure, would strenuously object to having the number of their dollars reduced when their hoard was redeemed by the lesser quantity of gold grain dollars.

Thereby at once we should experience a most disconcerting money contraction which would call into question the correctness of the theory that increasing the money volume is to raise prices, and that to decrease it is to lower them. These querulous persons would want to know why it is that (taking the figures of 1914)

Argentine with a per capita of $123.06 had prices no higher than Brazil with a per capita of $24.19; and Germany with a per capita of $21.24 had prices no lower than France with a per capita of $83.06.

In other words, it is not true that rising prices are due to "inflation of the currency." Rising prices is not a fiscal incident at all; it is a sociological phenomenon. Such are not due to increasing the amount of the currency; the converse is the fact; increasing the amount of the currency is due to rising prices. Several years ago we heard a great deal about the lack of "elasticity of the currency." Our circulating medium, it was declared, was not sufficiently elastic. That is, we did not have money enough at critical times to tide us over, and every now and then a crisis would occur and the banks had to get together and improvise clearing house certificates temporarily to supply the need of money. To correct this we established a source of money isuance in the Federal Reserve Bank, which has poured many millions of new money into circulation. The money panic with its bank failures has ceased, and the trouble has shifted to another form. It now seems that we have too much money. Yet everyone knows that we dare not reduce the volume of money in circulation.

The cause of the rise of prices lies altogether outside of the realm of money. Nothing that can be done in the region of money or credits can stop rising prices. Yet their rising must be stopped; and not only must they cease rising and tending higher, but the process must reverse; they must lower and always tend lower. When you do this, you will find that the dollar has stabilized itself. But you must find the answer to the problem. And unless you do, your civilization will decline; it will experience another lapse, and the day of that calamity is not far distant.

THE PRESIDENT: Mr. Atkins has asked the privilege of the floor in discussing the proposition. We will be glad to hear from him.

Remarks by David Atkins

MR. ATKINS: I would first like to make my respectful bow to the conservative, such as Professor Seligman, who recognizes that our whole economic and social structure is bound up in the present equilibrium. We cannot cut a sharp line through that without possible disaster.

The United States, in spite of our troubles, is probably collectively richer than it ever was before. But there have been extraordinary reconcentrations of wealth during the unprecedented dis-

turbances of war. This wealth is mainly modest and normally tends to keep out of the way of the tax collector, and the bulk of it can be found hidden in land of the alleged greatest potential earning power.

The most just approximation of potential earning power can be arrived at by using three factors. I am not sure that this is conventional economics, but I think it is true. The three determining factors are, population, acreage, and time—not capital. And the unit should be a man-acre-year. These, capitalized, might be most safely made the basis of our negotiable securities, or, in other words, our currency.

If our currency is to bear a just relation to our real wealth, and to be a true measure of value, we must first ascertain what constitutes our tangible values. These without question are land, labor and time, the limiting factors of production. From an engineer's standpoint, the surplus yield over current essential expenses is the measure of surplus value per annum. If this is represented by x, then 20x approximates our total capital wealth on the modest basis of 5 per cent earnings. The product of these essential factors should also be the basis of our underlying domestic expenses or taxes. Taxation and currency, then, should be vitally related and in direct proportion, both based on the sources of our wealth, but the worm in the bud of this otherwise entirely logical scheme is probably the hook-worm.

I would, nevertheless, put forward a doctrine which may be worth consideration, namely that the commonwealth has a vital interest, and should have underlying control of the superficial quality of land—that is its area, since no art can increase this appreciably; but the vertical qualities of land, mineralogical and agricultural, are so dependent upon individual art and effort that it is the height of economic wisdom to leave them to the individual along with self-operating penalties in the form of taxation. More than ever you will find that the land-owner will work while you sleep.

The reproaches levelled at such equitable proposals as these will contain scornful references to the assignats of France and to the single-taxers at home. These cannot be avoided; but the assignats were overdone and the single-taxers are underdone. The weakest point in the man-acre-year is that labor does not bear a constant relationship to population, owing largely to original sin, but original sin also introduces variables into the single tax proposals, and into Professor Irving Fisher's disappearing dollar. If wheat and cotton

are to determine the weight of the dollar, and the farmer stays in bed and the nigger goes fishing, the malleability of gold will be its most important function.

Metallic currency, or currency issued against actual bullion, is not a measure of value. It is primarily a measure of distrust and belongs to the region of psychological research. The only qualification it satisfies is that it is a convenient medium of exchange because of the cost of substitution and other physical properties. The cost of substitution, or scarcity, may not always apply, and does not apply, at the moment, with any safety to silver. If the Orient should become as sick of it as the whale was of Jonah, silver would speedily become one of our humblest by-products. Both gold and silver have the fundamental weakness of being subject to private production, and this is the identical weakness which demonetized the cowrie shell.

There should be a vital relationship between our total productive wealth and our currency on one hand, and our total productive wealth and our taxation on the other hand. This might be very simply approximated by a currency issue based on the two factors of acreage and population, and a system of taxation based upon the same two factors, time being a constant in both cases. To accomplish this purpose the United States would have to be divided into tax districts within which the two factors of area and population would be determined. Securities in convenient units resting upon a federal first lien on all land-holdings would then be issued to the owners who after the first flush of opulence would be rapidly sobered by the fact that their federal taxes would be in a just ratio to their new negotiable wealth, and as chief tax-payers they are then faced with the responsibility of providing not only all federal revenue, but also of providing a sinking fund for the retirement of the unsecured currency outstanding. A working capital would be provided in this very way similar to the proceeds of a railroad bond issue, and the country would probably enter a golden era of development.

What would be the effect of this newly released mobile wealth? Picturing the present land-owner as a gloomy farmer, it would mean that he would suddenly feel as rich as his children do normally when he dies and his estate is liquidated. The presumption is, however, that he would turn this liquid capital into something more productive than automobiles and silk stockings. In case of a dissipation of this capital and failure to meet his taxes, the land would revert to the state and be sold at auction to would-be operators.

The original owner has already been provisionally compensated, and the new owner would pay into the treasury whatever sum was compelled by the competitive bidding of the best qualified board of appraisers that science would evolve—namely the neighbors. The Government would then assume any deficit till it could be absorbed by the margin of taxes provided for the sinking fund. Any surplus in justice would be handed as a booby prize to the late unsuccessful operator.

As for gold, we should give it its due, particularly at its obsequies. As long as armies and navies are considered necessary, so long will gold be demanded by our more suspicious and less sophisticated neighbors. Silver will do for China and India, and colored cottons for the South Sea Islands. It is all a matter of education. But if we can within our own national borders, put away these childish things, the national dollar might well be a suitable fraction of a man-acre-year and the total basis for our negotiable securities a proper capitalization of the net yield of our man-acre-years, with an identical incidence of pro-rata taxation sufficient to provide running expenses and a sinking fund for our signature paper, known as Government bonds.

The final conundrum is the conversion of our man-acre-years into a form acceptable to foreign trade. It looks difficult, but I think would mean the payment of balances in ounces of fine bullion at market price. This may be too simple but would solve one domestic problem. Gold mining would become again an art motivated by interest instead of habit.

The three conventional essentials of an acceptable currency are as follows: It should be: (a) A convenient medium of exchange; (b) a sound standard of value; (c) a safe basis for deferred payments.

There is a further qualification not mentioned because it is so obvious, and not observed because it is not mentioned, particularly in Latin-American republics and in Soviet Russia: It should also be (d) something less than the total capital wealth measured in terms of annual production.

(a) As a convenient medium of exchange the virtue of bullion lies in the fact that owing to international distrust it is demanded. It has, however, no more intrinsic virtue than had the cowrie shell, which was promptly repudiated when the first enterprising savage uncovered the first private hoard and rashly talked about it. The conceivable advent of synthetic gold and silver might well make

both these metals playthings for our children, together with the cowrie shell.

(b) As a sound standard of value, the virtue of gold and silver has been soundly shaken. If there is any doubt about this it is only necessary to scrutinize the quantity or quality or duration of any service which can at the moment be commanded by a quarter of an ounce of gold. This function, however, still works approximately within the limits of dawn and sunset.

(c) As a safe basis for deferred payment the best information may be obtained from any pensioner or recipient of an annuity measured in dollars.

(d) As an approximation of the total capital wealth measured in terms of annual production, we are so well within safe margins in this country that we have taken very little trouble to ascertain where we stand. Our present issue of paper dollars amounts to about four and one-half billions, and is backed by a metallic reserve of three billions. Our national notes-of-hand, which are currency of larger denominations in the shape of Government bonds, is about twenty-five billions. Our annual budget is about five billions. This presumes a heavy tax-paying ability for overhead alone and on the assumption that taxes absorb fifty per cent of our surplus, implies a minimum capital wealth of 5×20, or 100 billions. If to this tax-paying ability is added the cost of luxuries such as municipal government, and necessities, such as tobacco, our capitalized earning power is probably far in excess of one hundred billions, and this surplus would easily take care of our over-issue of bullion vouchers which is estimated as above at about one and one-quarter billions. However, disregarding this factor if we add to our floating notes of hand (which are very well endorsed) this over issue, we get a total issue of about twenty-six and one-quarter billions.

If we reduce these astronomic figures to simpler terms we are in the position of a farmer who has a mortgage of $26,500 on a $100,000 farm, but who hesitates to purchase necessary machinery or employ additional labor because he has only $3000 in gold buried under the hearth which he has to hold against a one-day note for $250 with the local First National Bank, which is not authorized to advance money against land.

THE PRESIDENT: Will Mr. Lowry contribute anything to the discussion of the evening?

Remarks by Russell Lowry

MR. LOWRY: About the only thing that occurs to me to mention regarding the stabilized dollar or this plan of Professor Irving Fisher's, is that at the present time, in the chaotic and disturbed condition of economics and finance, we have at least one solid fact to tie to, and that is that the dollar has 25.8 grains of gold. And in the end it does not matter what the dollar does in the way of purchasing power, it is useless to say that the dollar has declined in value, since it is 25.8 grains of gold. There is one substantial thing arising out of a chaos of general conditions. Professor Fisher's plan wants to abolish that one solid, substantial thing. If you abolish that, then we haven't anything substantial to tie to; we haven't any solid, outstanding fact. It seems to me that, to deviate from the present standard, simply because commodities rise or fall in value relatively to that 25.8 grains of gold, would put us very much in the position of the pilot of a ship in the story. Somewhere on a rocky headland there is a light house, and the pilot of the ship knows that if he fixes his wheel, his compass, at a certain angle to that light house, he steers a clear course. Professor Fisher would tell us that if the pilot finds that his compass has deviated a little bit, somebody ought to move the light house. (Laughter.) If you are going to change that value in the dollar every time somebody raises the price of eggs, why, you haven't anything solid to stand on. And while undoubtedly there are many inequities in the present arrangement, it seems to me that it is pretty wise to stick to that arrangement with which we are familiar, rather than to fly to some sort of experiment as to which we do not at all know where it leads.

Remarks by President Grunsky

THE PRESIDENT: The resolution offered by Mr. Lombard has had no second. And, in view of the suggestion of Mr. Adams and the importance of this question, I believe it would be wise to defer any action that would be in the nature of an expression as to whether or not the Irving Fisher Plan should be endorsed, until a later time. (Applause.)

The hour of adjournment has arrived. If there is no objection, we will stand adjourned.

APPENDIX

Statement by Professor M. S. Wildman

MR. WILDMAN: I think that some arguments in favor of the compensated dollar have not been pressed with sufficient emphasis. One is that a fluctuating price level is an important contributing cause of social unrest. It introduces an element of chance in the normal course of distribution. It results in unearned gains and undeserved losses and bitter charges of unfair business practices. These evils result not from high prices or low prices *per se* but from changes in prices which are not the effect of ordinary, known competitive forces.

The majority of students of the subject believe that the compensated dollar as explained and advocated by Professor Fisher would greatly mitigate these evils by providing a substantially unvarying level of average prices. While prices of particular goods would rise and fall relative to prices of other goods under the influence of supply and demand, as touching different goods in different degree, the benefits of a stable average would be enormous. For example, the billions of loans and discounts of our banks rest on the value of the mass of commodities in the hands of merchants and producers. A sudden drop in general prices may impair the solvency of the whole banking system and no amount of knowledge of the business affairs of particular borrowers can guarantee the banker against a loss of this kind.

Very naturally some oppose the institution of this reform on the ground that it is advocated as a cure for the effects of inflation. Hence if inflation is a transient phenomenon or if high prices are caused by something else, such as underproduction, the proposed cure is inappropriate. This objection is not well founded. The new device is quite as much a prevention of low prices as of high prices but it is regarded as a cure for the evil of changing prices, and as such it will work without regard to the forces which would cause the price change.

Finally it is hardly pertinent to oppose the adoption of a principle because of differences of opinion as to the details of its application and administration. Our Federal Reserve System was the result of a whole generation of agitation and adjustment and yet every session of Congress since its enactment has produced some amendment. In the case of a reform of fundamental importance no one can foresee all contingencies, but perfection is approached through trial and correction of errors.

Some have opposed the compensated dollar for the reason that it would disturb the normal rates of foreign exchange with countries which did not adopt it. This opposition also lacks foundation, first be-

cause only a few of the people are concerned with foreign exchange and these persons are expert in taking account of minute and complicated factors. But more important than all is the fact that there are no normal rates of exchange today and each country is more isolated in respect to its monetary system than ever before. This fact makes the present time a most propitious one for inaugurating the reform.

(The above statement embodies the remarks Prof. Wildman desired to make at the meeting, but the hour of adjournment was reached before the opportunity could be had. By order of the Executive Committee the statement is printed as a part of the discussion.)

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TRANSACTIONS

OF THE

COMMONWEALTH CLUB

OF CALIFORNIA

VOL. XV MAY, 1920 No. 2

Reservations to the Peace Treaty

The object of the Commonwealth Club shall be to investigate and discuss problems affecting the welfare of the Commonwealth, and to aid in their solution.—Constitution, Article II.

The Commonwealth Club shall maintain itself in an impartial position as an open forum for the discussion of disputed questions.—By-Laws, Section 10.

SAN FRANCISCO, CALIFORNIA

1920

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TRANSACTIONS
OF THE
COMMONWEALTH CLUB
OF CALIFORNIA

VOL. XV SAN FRANCISCO, MAY, 1920 No. 2

RESERVATIONS TO PEACE TREATY

The rejection by the United States Senate of the Treaty of Peace with Germany on March 19, 1920, brought a new situation before the American people. After a prolonged debate the treaty failed of a two-thirds majority, 49 Senators voting aye, 35 no, and 12 not voting. The problem of settling the terms of peace therefore becomes one to be considered by the electors, and the importance of analyzing the available information on both sides was recognized by the officers of the Club. The Club had contributed to public information in the earlier discussions on the treaty, (see Transactions Vol. XIV, for 1919, including No. 1, "Address by Hon. Wm. Howard Taft"; No. 3, "The League of Nations"; No. 5, "The Peace Treaty"; No. 8, "Address by President Wilson"; No. 10, "Address by Senator Johnson"; and No. 11, "Address by Herbert Hoover"). To cover the later development a Club meeting was arranged for April 15, 1920, to deal with the question of the reservations proposed for the treaty and approved by the Senate. The following members were requested to prepare statements:

Edward Krehbiel, chairman of the Club's section on International Relations, "The Present Status of the Treaty of Peace With Germany."

Dr. David P. Barrows, President of the University of California, the argument for ratification with the Senate reservations.

Rev. Josiah Sibley, the argument for ratification with interpretative reservations only.

The points of view of those who favored ratification without reservations, and those who favored absolute rejection were considered to have been covered in the previous discussions.

The meeting brought out a large attendance, and the statements provoked a lively discussion from the floor. The following members spoke: Walker C. Graves, R. L. McWilliams, J. J. Arnold, Peter Clark Macfarlane, W. W. Sanderson, David H. Dexter, Grover O'Connor, Norman Lombard, John H. Miller.

At the conclusion of the discussion the material was ordered printed in the Transactions for the information of the members and the public.

TREATY AND RESERVATIONS

Following is the text of the resolution of ratification of the Peace Treaty adopted in committee of the whole of the Senate of the United States, and rejected by the Senate for want of a two-thirds majority.

The resolution of ratification may be compared with the Covenant of the League of Nations, published in Transactions of the Club, Vol. XIV, No. 4, May 1919, page 147, and with the synopsis of the Treaty of Peace, in Vol. XIV, No. 6, "The Peace Treaty," page 313.

Treaty Provisions.	*Senate Reservations.*
	RESOLVED, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted as a part and a condition of this resolution of ratification by the allied and associated powers; and a failure on the part of the allied and associated powers to make objection to said reservations and understandings prior to the deposit of ratification by the United States shall be taken as a full and final acceptance of such reservations and understandings by said powers.
ARTICLE I * * * Any member of the League may, after two years notice of its intention so to do, withdraw from the league, provided that all its international obligations and all its obligations under this covenant shall have been fulfilled at the time of its withdrawal.	RESERVATION 1. The United States so understands and construes Article I that in case of notice of withdrawal from the League of Nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.
ARTICLE X The members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.	RESERVATION 2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country by the employment of its military or naval forces, its resources, or any form of economic discrimination or to interfere in any way in controversies between nations, including all controversies relating to territorial integrity or political independence whether members of the

League or not, under the provisions of Article 10, or to employ the military or naval forces of the United States, under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall, in the exercise of full liberty of action, by act or joint resolution so provide.

ARTICLE XXII

Provides for mandatories on behalf of the League, for the government of "people not yet able to stand by themselves."

RESERVATION 3.

No mandate shall be accepted by the United States under Article 22, part 1, or any other provision of the treaty of peace with Germany, except by action of the Congress of the United States.

See Articles XIII and XV providing for adjustment of disputes "suitable for submission to arbitration" or by action of the Council, except such as "arise out of a matter which by international law is solely within the domestic jurisdiction of that party."

RESERVATION 4.

The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium, and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the League of Nations, or any agency thereof, or to the decision or recommendation of any other power.

ARTICLE XXI

Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

RESERVATION 5.

The United States will not submit to arbitration or to inquiry by the assembly or by the council of the League of Nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said League of Nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

ARTICLES CLVI, CLVII, CLVIII

Provide for the transfer to Japan of German rights in Shantung.

RESERVATION 6.

The United States withholds its assent to Articles 156, 157 and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles.

ARTICLES III, IV AND CCXXXIII

III—The Assembly shall consist of Representatives of the members of the League * * *

IV—The Council shall consist of Representatives of the Principal Allied and Associated Powers * * *

CCXXXIII—Reparation Commission.

RESERVATION 7.

No person is or shall be authorized to represent the United States, nor shall any citizen of the United States be eligible, as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of the Congress of the United States providing for his appointment and defining his powers and duties.

RESERVATION 8.

The United States understands that the reparation commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

ARTICLE VI

* * * The expenses of the secretariat shall be borne by the members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

RESERVATION 9.

The United States shall not be obligated to contribute to any expenses of the League of Nations, or of the secretariat, or of any commission, or committee, or conference or other agency organized under the League of Nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses, shall have been made by the Congress of the United States: PROVIDED, That the foregoing limitation shall not apply to the United States' proportionate share of the expense of the office force and salary of the Secretary General.

ARTICLE VIII

Plans for "reduction of national armaments to the lowest point consistent with national safety," etc.

RESERVATION 10.

No plan for the limitation of armaments proposed by the Council of the League of Nations under the provisions of Article 8 shall be held as binding the United States until the same shall have been accepted by Congress, and the United States reserves the right to increase its armament without the consent of the council whenever the United States is threatened with invasion or engaged in war.

ARTICLE XVI

Provides for non-intercourse with powers resorting to war, and prevention of "financial, commercial or personal intercourse between the nationals of the covenant-breaking state and the nationals of any other state."

RESERVATION 11.

The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in Article 16 of the Covenant of the League of Nations, residing within the United States or in countries other than such covenant-breaking State to continue their commercial, financial and personal relations with the nationals of the United States.

ARTICLES CCXCVI AND CCXCVII

Provide for settlement of debts and property rights of individuals of warring powers.

RESERVATION 12.

Nothing in articles 296, 297 or in any of the annexes thereto or in any other article, section or annex of the treaty of peace with Germany shall, as against citizens of the United States, be taken to mean any confirmation, ratification or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States.

ARTICLES CCCLXXXVII TO CDXXVII

Provides for international organization to regulate labor conditions, unemployment, living wage, protection in sickness, accident, old age, etc.

RESERVATION 13.

The United States withholds its assent to Part XIII (Articles 387 to 427 inclusive) unless Congress by act or joint resolution shall hereafter make provision for representation in the organization established by said Part XIII and in such event the participation of the United States will be governed and conditioned by the provisions of such act or joint resolution.

ARTICLE I

"The original members of the League of Nations shall be those of the signatories which are named in the Annex" (45 members) which include "British Empire, Canada, Australia, South Africa, New Zealand, India."

RESERVATION 14.

Until Part I, being the covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the League and its self-governing dominions, colonies or parts of empire, in the aggregate shall be entitled to cast, the United States assumes no obligation to be bound except in cases where Congress has previously given its consent, by any election, decision, report or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies or parts of empire, in the aggregate have cast more than one vote.

The United States assumes no obligation to be bound by any decision, report or finding of the council or assembly arising out of any dispute between the United States and any member of the League if such member, or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

RESERVATION 15.

In consenting to the ratification of the treaty with Germany the United States adheres to the principle of self-determination and to the resolution of sympathy with the aspirations of the Irish people for a government of their own choice adopted by the Senate June 6, 1919, and declares that when such government is attained by Ireland, a consummation it is hoped is at hand, it should promptly be admitted as a member of the League of Nations.

Club Meeting of April 15, 1920

The regular meeting of the Commonwealth Club of California was held at the Hotel St. Francis on Thursday, April 15, 1920, at 5:30 p. m. At the conclusion of the dinner and business meeting a recess was taken, after which President C. E. Grunsky called the members to order as follows:

Remarks by President Grunsky

THE PRESIDENT: The topic of this evening is "Reservations to the Peace Treaty." The Covenant of the League of Nations was discussed by the Club at its meeting in April, 1919, and the conditions of peace with Germany at its meeting in June of 1919. As the result of the deliberations which this Club has given to these matters, there was a postcard vote, to get an expression of the views of the members of the Club, and the sentiment in favor of a league of nations, taken in its broadest sense, was about 2 to 1. (The total number of votes cast was 821.)

Since that time there has been a great deal of discussion, which the people of this country have followed with intense interest, and no doubt many opinions have changed. We shall hear some opinions expressed this evening, and hope to be further enlightened on this subject.

Although the discussion this evening is concerned with the particular covenant prepared at Versailles and with the plan of a league of nations as therein outlined, we must not lose sight of some of the broader aspects of the problem of compelling nations to live in peace with each other. If the nations of the world are to be made to live in peace with each other, international law must be removed from the realm of uncertainty. There can be no permanent peace so long as international law is not clearly defined. Its violation has hitherto needed only the cloak of individual interpretation. International law will give definition to the meritorious, recognized customs which control or should control the intercourse of civilized nations.

An adequate code of international law should originate with those who are to be governed by it. It should be prepared by a congress of nations, not by representatives of a small group of nations only, no matter how powerful such a group may be. The step towards a real supergovernment which was taken at Versailles rests on a weak foundation. It should be regarded as tentative only. No covenant such as that prepared at Versailles, which provides governmental machinery—to a large extent experimental—should be accepted without proper reservations, relating to early revision, on the basis of deliberations by

a congress of nations, in order that defects may be corrected and the machinery made adequate to accomplish the desired and at the outset the only universally accepted purpose of the league, that is, to keep the nations of the world at peace with one another.

The framers of international law, however selected or appointed, must foresee the possible future differences and difficulties between nations which may arise, due to human fraility, and must prescribe the correct methods of action in the intercourse of nations with each other. This is a formidable task, requiring much deliberation, and should be worked out under co-operation of every nation that cares to participate in such a program.

After any codification of international law has been approved by a sufficient number of countries, there will be work provided for a supreme court, which will interpret the law and settle disputes which shall arise thereunder. There is also required in every proposal for a union of nations an executive department to give direction and effectiveness to the activities of international character. And, when confidence has been established in the resulting super-government, the logical next step will be disarmament, and the organization of an international police force to preserve order and to enforce obedience to international law.

The Versailles covenant can give the world for the present only a league of nations. It may take on wider scope after this country, with a statement of sound, fundamental principles, has declared itself ready to participate. No other country can join the league with higher ideals than those which underlie true Americanism. Without this country in active participation, and without the formulation and general acceptance of the fundamental principles of international law, a league can have no more force than a treaty, and treaties, as we know, have in the past been violated whenever there appeared more advantage in the breach than in the observance.

Any discussion of matters pertaining to a closer co-operation of the United States with other nations in directing the march of civilization and the progress of mankind, is timely. The section of this Club on International Relations has prepared this evening's program with a view to throwing some further light on the all-important question of this country's joining the League with reservations, with interpretative statements only, without qualification, or not at all.

Professor Edward Krehbiel, the chairman of the section, will explain the present status of the treaty of peace with Germany. I present to you Professor Krehbiel. (Applause.)

Address by Edward Krehbiel

MR. KREHBIEL: Since the meeting we had last June, and since the vote which we took at that time, which you, Mr. President, have mentioned, a great many things have transpired on earth. In the first place, the Senate began to consider the treaty, the text of which had just become known to us—indeed, at the time of our June meeting, there were but three copies of the text of the treaty in our hands.

In the discussions of the text of that treaty, the Senate majority developed a series of reservations, the objects of which we are to discuss tonight, and the effect of which upon the treaty is, of course, to be the major burden of our discussion. Since June, too, there have been certain imperialistic manifestations, which have been mentioned by our press, such as the action of England in Egypt, and in Persia, and the developments in France which led President Wilson to declare that she has fallen into the hands of an imperialistic government. There is on the one hand the Shantung situation, one which, and in my opinion quite rightly, creates a great deal of objection to the treaty itself. On the other hand, there is the Irish question, which has caused a considerable number of people who, nine months ago, were sympathetic to a league of nations, to be opposed to it today. These particular episodes have been adduced by the opponents of the treaty as proving the contentions of our Senators that we ought not to join company with nations that are imperialistic. In other words, those episodes have given color to the charge that the world is not yet ripe for a genuine league of nations.

The result of the nine months discussion and experience has been to change somewhat the nature of the debate, and it is no longer so much a question whether we shall or shall not have a league, but whether we shall have a league with or without reservations. And it is that particular subject which we want to get before you tonight.

On behalf of the Section on International Relations, let me say that, in planning this program, we did not conceive that we could possibly cover all the aspects of it, and therefore we started from the premise that, having last June discussed the question as to whether or not we should have a league of nations, we need not again go into that aspect of the situation. It is for this reason that we have not included in this evening's program the point of view of the irreconcileables, those who would fight any league under any conditions.

It becomes my business, as chairman of the Section, to state the case if I can so as to aid the following speakers, and to do so as briefly as I possibly can. In order to give point to this discussion, I have chosen to analyze or to classify these reservations. There appear to

be three classes of reservations: reservations which tend to nullify the treaty—and I use that word "nullify" not because it necessarily represents my own point of view—for I have none tonight—but because the President has declared that certain of these reservations go to the heart of the treaty, and would in effect nullify it; second, reservations which are in their character, it seems to me, very largely interpretative; third, a group which has the distinct object of adjusting the relationship between the President and the Congress in the control of foreign affairs.

Taking up the first of these, the nullifying reservations: In seeking to determine what is a nullifying reservation I have adopted this criterion, that that is a nullifying reservation which, if adopted by all the nations, would defeat the league. The first reservation is one that I have included in this list; though I must admit at the very outset that it may likewise be merely interpretative, for the first reservation empowers to the United States the right to withdraw from the league at any time, and furthermore to be the sole judge as to whether it has fulfilled its obligations to the league. As you will observe, there is no direct statement in the text of the covenant that the nations shall not be the judges of their right to withdraw, so that Reservation 1 is merely intepretative, and merely reiterates a right of the United States which is implied in the treaty itself.

But that is not true, unless I err, in Reservation 2, for Reservation 2 very explicitly declares that the United States is not bound by Article X to make war at the instance of the league. That is, it asserts that the United States, and, more specifically, Congress, reserves the right to act as it pleases, entirely irrespective of the decisions of the league. The effect, if every nation should refuse to co-operate with the central body for the purpose of preserving the peace, would, of course, be to nullify the league.

The fourth reservation provides that the United States shall have the right to decide what are domestic questions. If every other nation, following our example, exercises the same right, it is perfectly clear that as every question could be pronounced a private, national matter, there would be nothing left for the league to do.

It should be observed in passing that the fourth reservation specifies not only questions which are wholly domestic, but questions which are "wholly or in part domestic." And as few, if any, questions will arise which are not at least in part domestic, there will be no field left for the league to operate in, if this reservation is accepted.

The fifth reservation tends to nullify, because it specifically excepts the Monroe Doctrine from the operations of the league. That is to say, that if every other nation carved out for itself a specific sphere

of influence and asserted that it maintained its rights therein intact, we would be back in the condition from which the covenant sought to release the world.

Reservation 8 seems to be nullifying in its effect, for it specifies that the United States reserves the right to approve the acts of the Reparation Commission, and that these shall be of no effect until they shall have such approval. Manifestly, if each nation took the same privilege, the Reparation Commission would not be a central, international body, but merely an agency seeking to secure the approval of many nations.

With respect to Reservation 10 and 14, I am not quite sure whether they are nullifying, or whether they are interpretative in their character. Reservation 10 provides complete liberty of the United States with respect to the limitation of armaments. This does not mean the United States will necessarily exercise that liberty, but as it can do so, every other nation could likewise assert the right to do so, and therefore it is probable we could secure no limitation of armaments.

Reservation 14 aims to counteract the six votes of Great Britain. As Britain is the only nation affected by this reservation, we may operate the league successfully in every instance except that in which we had controversy with Great Britain, and hence the league may not suffer from the adoption of the particular reservation in question.

I do not presume to say that my interpretation of what are nullifying reservations is necessarily correct, and as I have not discussed this matter with the succeeding speakers, I do not know whether they will approve of it. I agreed with one of the speakers that I would leave wide openings so that he could have some point of attack, and presumably I have done so.

As for the interpretative reservations, I have construed them to be those which merely reiterate a right which the treaty does not deny to the United States, and which therefore do not directly militate against the covenant. So, for instance, Reservation 4 contains a list of what are domestic questions. It seems to me that, by implication, these were sufficiently agreed to be national questions, and that therefore the listing of them is pretty largely interpretative.

As to Reservation 10:

MR. EDWARD F. ADAMS: Speaking once more about that, I would ask whether that is interpretative, or whether it would not come within your first definition?

PROF. KREHBIEL: I don't think so. I have that down as belonging to a group to which I shall later refer. I must confess that I am puzzled about it because the language is so skillfully drawn that I can't

make out whether it is nullifying or interpretative. Reservation 10, places emphasis on the right to consent to the limitation of armaments, and I conceive that it could be considered an interpretative reservation.

Reservation 11 makes so slight a variation in the operation of the embargo that I regard it as entirely insignificant, and therefore it does not matter where you put it.

Reservation 12, it seems to me, in safeguarding the claims of the citizens of the United States against the action of the Reparation Commission, may effect something that is inconsequential, or it may, on the other hand, depending on how it is applied, entirely vitiate the treaty.

I have not touched upon the reservation that affects labor, for the simple reason that this is one of those the purport of which no man can tell until he sees how it is applied. And I would say, in respect to all of these, that after all, it depends very largely upon the spirit in which the reservations are actually put into practice. As was said here at the last June meeting, the league of nations covenant as drawn, with all its imperfections, is still an adequate machine for achieving its aims if the nations behind it desire to achieve them by means of that machinery. Still, it has so many ambiguities, and can be interpreted so variously that it may prove to be a very vicious thing, depending upon the interpretation and practice put upon it and behind it by the nations. Exactly the same thing applies to this reservation affecting the labor clauses.

There are two reservations which relate to Ireland, and one to Shantung. Whether those are interpretative or nullifying depends, of course, on how they are applied, or how those to whom they are applied react to them. I can see that the Senate of the United States may say that in introducing these two reservations, it is merely attempting to make the league more perfect; in other words, it is intending to improve, rather than to nullify it.

Passing now from these considerations, I want to touch very briefly upon another aspect of these reservations that has not been so commonly treated in the press. Among these reservations you find a number of instances in which it is specified that "Congress" shall have the right to do thus and so. The effect, and I think the object, of this language is to limit the power of the executive arm of the United States in foreign affairs, and to supplant it by the legislative power. There may be a certain justification for it—academic, perhaps, at this time, but still worth mentioning: that, so long as nations were considered rivals it was of course necessary that each nation should put up a solid front to its enemy. Therefore it was necessary to have but a single spokesman for the nation, that being the executive. But if we

are passing beyond the day of rivalry, and are indeed to have a co-operative society on earth among the nations, then of course the necessity of that united front is at least diminished, and peoples can and should co-operate through legislative rather than diplomatic channels, and as I say, that is somewhat academic.

But when one begins to look at these provisions, he discovers this: that Congress in Reservation 1, confines to itself the right to withdraw from the league by a concurrent resolution—meaning that, by an act of the two houses of Congress alone, without the approval of the President, it reserves the right to withdraw from the league. The second reservation insists upon the right of Congress to declare war. That, in a sense, may be simply reiterating a constitutional provision, but strengthening it. When you examine the text, however, you notice that it asserts the right of Congress "which, under the constitution, has the sole power to declare war or to authorize the employment of the military or naval forces of the United States," and that this right "shall be used in the exercise of full liberty of action," which I take it is designed to prevent the President from putting a Congress into a position where it has to declare war when he chooses.

The third reservation reserves to Congress the right to accept or to reject mandates.

Reservation 7 specifies that there shall be no appointments as representatives to the league or any of its councils, commissions or assemblies, except with the full approval of Congress, which means, of course, that there will be no personal delegates such as Colonel House, or John Lind, if this particular interpretation is accepted.

The eighth reservation specifies that the Congress reserves the right to approve of the acts of the Reparation Commission. The ninth clause reserves to Congress the right to control contributions to the league, with one exception. The tenth paragraph reserves to Congress the right to accept or reject the league program for the limitation of armaments, and the thirteenth reservation declares that Congress shall have the right to determine whether or not the United States shall be a party to the labor clauses.

These reservations into the field of our constitutional practice, are a new form of that century-old struggle between the executive and the legislative branches of our government for the control over foreign affairs. It seems to me that these reservations, if adopted as they stand, would virtually revise the constitution, at least as we have hitherto interpreted it, and would be enlarging the scope of the power of Congress in foreign affairs, and correspondingly reducing that of the President.

I have tried, Mr. President, in as brief a way as I could, to state certain of the outstanding points about these reservations, merely to facilitate the discussion of the gentlemen who are to follow me, and to whom I now gladly yield. (Applause.)

Remarks by Edward F. Adams

MR. ADAMS: Before you sit down Professor, from the judicial standpoint, and before we get the controversial side, from the explanation of the reservations that you have given, it is plain that the league, adopted with these reservations, would be a different league from the one which is now in operation. If the interpretative reservations, which are not printed here, are adopted, in what way will the league, with those interpretative reservations, differ from the main league?

Remarks by Edward Krehbiel

MR. KREHBIEL: I would rather, Mr. President, not delay the chief speakers by saying more at this point, but I think perhaps a misinterpretation of one point that I made has occurred. After all, being no prophet, I am not in a position to say just how these reservations will operate. I have tried to bring out the fact that they may operate to nullify the league, if they are carried out in one of the ways in which they can be construed.

MR. ADAMS: I was referring to matter not printed here.

MR. KREHBIEL: My view is that some of those are interpretative in character.

Remarks by President Gransky

THE PRESIDENT: Colonel Barrows, president of the University of California, will now speak for the ratification of the treaty with the Lodge reservations, or with any modification of the Lodge reservations which Colonel Barrows desires to present to us. I have pleasure in introducing him to you.

Address by Dr. David Prescott Barrows

DR. BARROWS: I am grateful to the President for the indulgence he gave me in the scope of my defense, when he says that I may defend the Lodge reservations or such of them as I approve.

I am a little in doubt as to what are the Lodge reservations. The fifteen reservations which are spread before us here differ from those which Mr. Lodge introduced. Just how many he adopted, I do not know, but all of them, as it seems to me, are not equally acceptable. For instance, I do not rush to the defense of the fifteenth, for the reason that I would prefer that in our desire to befriend and assist the development of the Irish people, we should at all times seek methods that are not an affront to the British Empire, and which do not strain the relations between ourselves and the British people. (Applause.)

Perhaps a query should arise at once, Why reservations at all? There is a reason for reservations which I have not heard much discussed or even mentioned—a reason which arises out of our peculiar national character. We are not an opportunist people. We do love to have our obligations and our contractual documents, as well as our statutory documents, all cut and dried and detailed. We are a people of written constitutions. We are a people, perhaps more than other peoples, of written law. We detail our statutes with great attention to minutiae and when we go into treaty relations with another people, we desire to have all things clearly understood. We do sometimes, of course, rely upon outside understandings. We do sometimes rely upon gentlemen's agreements. But we do not prefer gentlemen's agreements. We prefer, whenever we can, to have the thing concretely stated. We have a good deal of sympathy with the view set forth by a brilliant Englishman, that no reform is safe until it is enacted into a statute. Similarly, no relation between ourselves and another people is satisfactorily stated for us, until it is exactly and painstakingly defined.

So, inasmuch as it is, I think, frankly admitted that, in the covenant of the league of nations as it emerged from the Congress at Versailles, there was a great deal that was obscure and subject to difference of view, the Senate, in proceeding to give exact definition and great deal of discussion as to what certain provisions should mean, was, after all, only proceeding as American bodies usually proceed.

I agree with Mr. Krehbiel that, in a good many of these reservations there is exhibited a constitutional controversy. And this constitutional controversy has unquestionably been very damaging to the league, and to the success of the league in the Senate. Yet I do not see how the controversy could have been avoided. The Senate felt, and with some reason, that its powers were seriously encroached upon in the negotia-

tion of this league. No one can deny that the Senate has the right to amend, to nullify, as well as to interpret treaties. That right is expressly stated in the constitution. It has been exercised too many times for any one to question the Senate's power. And the Senate having been told at the outset that it was not to be permitted to exercise this right, there at once and inevitably arose the question of whether the Senate was to yield its constitutional powers or not; and the Senate has defended them at the expense of the League.

In so doing, I believe it has protected the constitution, and, bitterly as I regret the long debate of the league and its final defeat, nevertheless, to us the primary thing is the defense of our constitutional system. And I believe that if the Senate had accepted the treaty in the manner in which it was presented, our constitutional system would have been very seriously impaired.

In conflict on this matter between the executive and the Senate, my interest rather goes out to the Senate. I believe that the makers of our constitution intended that the Senate, in matters of our foreign relations, should be the policy-deciding body. Just as the President is charged with the negotiation of treaties, just as he is fully charged with the execution of all our international obligations and with all the executive power, so it seems to me that the makers of our constitution in their wisdom gave to the Senate, a body that represents equally all the States, the responsibility of developing and determining our national policy with respect to foreign affairs. We have no other body that can successfully do it. The Senate never goes out of existence. It can meet at any time, with perfect propriety, in executive session. It is given the constitutional power not merely to approve treaties which thereupon come to be the law of the land, but it is also given the responsibility and the duty of approving ambassadorial and diplomatic appointments. And it seems to be quite clear that, when framers of the constitution created this august body and gave it the remarkable name of the Senate, they had quite clearly in mind that old Roman Senate which for so great and so long a period developed, defined and created the policy of the Roman Republic with respect to foreign affairs.

I think the Senate has this duty. I do not think it could have done anything except stultify itself and lose its constitutional position if it had not fought to maintain its position in the matter of treaty negotiation and ratification.

A good many of the provisions under discussion, as Mr. Krehbiel pointed out, simply express the determination of the Senate to see its own place and the congressional power respected. I think the reservations which he enumerated, Nos. 2, 3, 7, 8, 9, 10, and 13, were all de-

vised primarily with this in mind. Reservation No. 2 which the President felt cut the heart out of the treaty, seems to me little more than the determination of the Senate to prevent the executive assuming obligations or carrying on war except with the specific sanction of the war-declaring power of the nation. In that matter I feel complete sympathy with the attitude of the Senate. I believe it is not only powerless to leave it to the chief executive to determine when and where the military strength of the nation should be employed, but I believe that under our system if the President can use the army and the navy abroad without the authority of Congress or the war-declaring power, there is certain to be weakness of policy and unsatisfactory issue of the attempt.

It may be said that I have had the misfortune, (but let me say I do not count it so,) of having been part of an expedition supposedly carrying on war abroad without the sanction of Congress, and I bespeak your sympathy for soldiers put in that situation. It is a very, very unsatisfactory position for a soldier. The waging of warfare is a terrible responsibility. Men who are sent into action are entitled to know that they are sent into action because the war-declaring power of the nation has told them to go. (Applause.) I think I could point to numerous instances where the attempt of the executive to carry on military expeditions without the approval and sanction of Congress, has ended in futility. And so they will always end in our nation, because, as a nation, we do not intend that war shall be waged except when Congress has so determined.

I feel somewhat so, also, about the responsibility for the acceptance of mandates, which is covered by reservation 3. The mandate provisions of the league seem to me to be a distinct advance in government. I was extremely interested in those provisions, from the moment when they emerged from the Congress at Versailles. The plan accomplished several things. In the first place, it distinctly put the Congress of Versailles on record, and our own government and our administration, which had never admitted such a thing before, that there are peoples in the world not yet able to stand by themselves. That was a great and sensible conclusion to come to. It was directly opposed to a widespread opinion which has prevailed in this country, and apparently paralyzed our action, that people should be left to stand by themselves, or fall by themselves, irrespective of their prospects of standing. The Congress at Versailles apparently gave up the old idea, and frankly admitted by this provision for mandates, that people who cannot stand by themselves shall be helped to stand. That was something, and it was a great thing to draw the American nation into that agreement under a Democratic administration. (Laughter.)

Then, too, that provision for mandates recognized something for which the United States has stood consistently for more than twenty years, namely, that the assumption by one people of authority over another carries with it the completest responsibility to so conduct the affairs of that dependent nation that their interests shall be primarily served. That was an American principle, and we have put it into effect elsewhere, and we got general recognition of that principle through this mandate provision. American colonial policy, if I may use that term, triumphed in that mandate provision. And I think, too, there was the further conception in this, that a nation when it goes into the business of colonial government or the government of dependencies, is charged not only with responsibility to itself and its own business and with most conscientious standards of conduct, but it goes there with a responsibility to the world at large. And that is a good principle—it is a fine principle, and it is expressed in this mandate provision. So I say I think the mandate provision is a distinct advance in political science. I don't know who introduced it; I don't know where the credit lies for having proposed it. It may have been General Smuts; it may have been Lord Cecil; it may have been President Wilson. But whoever gave it birth gave birth to an important conception.

But I think we will do much better in the handling of mandates, supposing we have any to handle, if we do it with the sanction of Congress, that will have to provide the men, the troops, the money, than if we do it at the mere judgment of the executive. So I think reservation No. 3 is good, and that it will very greatly strengthen the hand of our government if it accepts any mandates hereafter. So with some of the other provisions, which I will not go into further.

I want to say just a word about the first provision, the reservation that gives the United States the right to withdraw at any time. This may be going a little far. Nevertheless, I feel a strong prejudice against treaty engagements of every kind that do not have in them the mechanism whereby the nation, at its discretion, may withdraw. These indissoluble treaties are a danger and an inconvenience. We have had them in the past and there has been difficulty with them. They have brought us near to perhaps dishonorable practice in the past; and there should be in every treaty, I believe, between two recognized nations, a recognized right and mechanism for withdrawal. We all recognize that conditions change. Bismarck phrased it, *"rebus sic standibus"*—as long as the conditions that gave rise to it exist; and, while I hesitate to quote Bismarck, yet he was a great man in the negotiation of treaties. His reflection that a treaty would not outlive the interests of the nations entering into and negotiating it, is sound political practice.

Think back a few years, and reflect upon the Clayton-Bulwer Treaty, which we had with Great Britain, which we negotiated in 1850, and which we thought was a great thing when it was negotiated, because it tied Great Britain up so effectively. But there came a time when we wanted it changed, and there was no provision in the treaty by which it could be dissolved. It was a perpetual obligation. We strove and strove to get Great Britain to free us from it. You remember that Mr. Blaine wrote and wrote and wrote, trying to convince Great Britain that it ought to be abrogated. Great Britain replied that she did not see any reason why—it suited them. But it did not suit us. After 1898, when the need became so apparent to the nation of building a Panama Canal, that treaty stood there as a danger to us. But you remember there was introduced into Congress with great support there, a resolution, and it had a very able and distinguished originator, to simply abrogate it ourselves and let Great Britain say what she pleased. When we reached that point that finally we would have done it anyway, Great Britain, with great statesmanship and penetration, thought it wiser to abrogate it with us than to have us abrogate it alone.

I am not in favor of indissoluble covenants between nations. I think there should be a provision for dissolving them, and while this may go a little far, the United States is simply on good, cautious ground when it provides a way by which, without discredit and without imputation of want of honor, we may withdraw from a league which we all recognize may not, after all, permanently be advantageous.

Then there is reservation 5, the reservation concerning the Monroe Doctrine. That is a reservation which most leaders of the Republican party have taken responsibility for. It is an extraordinary reservation, to be sure. It practically excepts the western hemisphere from the jurisdiction of the covenant. It takes the affairs of this hemisphere out of the purview and power of the league. That seems very preposterous to some of our friends across the water, but they always have thought that the Monroe Doctrine was a preposterous thing, anyhow. Nevertheless, our experience here for more than a century, has convinced us of this thing, that the difficulties of the western hemisphere had better be settled in the western hemisphere. They had better be settled at Washington or some other American capital, than to try to settle them at Vienna or Berlin or Versailles or London or Geneva. I think we are pretty well made up on that point. I don't believe we will permit our American issues to be taken across the water for determination in Europe. Take, for instance, an issue that is now brewing. It is of long standing. I refer to the issue between Chile and Peru, an issue in which Bolivia is now included, by demanding an outlet for herself.

That issue will not go to Europe for settlement. It will be settled in the western hemisphere. The western hemisphere may conceivably lose something by escaping the jurisdiction of the league. Perhaps it will. On the other hand, we do occupy an independent position, and the western hemisphere does not particularly require the services of the league right now. It is Europe which stands in grievous need of help, and of guaranty. It is Europe whose resources are exhausted, and whose frontiers are broken up, and which requires some extraordinary combined assistance in order that she may be secure—not the western hemisphere.

I approve most thoroughly of the Shantung reservation. I think it is not only appropriate, but it is admirably expressed. It simply withholds our assent to the articles of the covenant referring to Shantung, and reserves full liberty of action in the future. I think that is precisely what we should do. That Shantung provision was put into the treaty, not by reason of any mistake of ours, not by reason of any secret treaties of ours; it was put in there to the disadvantage of China, to the disadvantage of our own diplomacy, but very greatly to the disadvantage of our relations to China and Japan, particularly with China. Why should we take responsibility for it? It was done without our knowledge, it was done with a lack of frankness, I think I may say, on the part of our allies. They ought to have told us explicitly that they had these secret agreements with Japan which bound them to do something of this kind. But why, I repeat, are we responsible for their difficult situation, and why should we accept the responsibility for it when doing so impairs our position, our freedom, and our repute? I think that reservation is a fine reservation, and I would not be for a league of nations if that reservation was not included. (Applause.)

I feel somewhat different about reservation No. 14, the reservation aimed to diminish the representation of the British Empire in the league. I think there is a great difference between the limitation of the representation of the British Empire in the Council and in the Assembly. The Council we all recognize is the small, limited body which is going to wield the power and make the decisions. It seems to me quite right that in that one body, with only a few nations represented outside of the five principal allied and associated powers, there should be parity of representation. I think a reservation which gave notice that we would not be bound by a decision of the Council in which there was at once represented Great Britain and one of her dependencies or one of the commonwealths under her jurisdiction, would be a wise reservation. But I feel quite differently in regard to the Assembly. The Assembly is a body which should include every commonwealth and

every nation, and certainly Australia is a commonwealth, Canada is a commonwealth, and I believe it is to our interests to have them represented there in that great body which takes in nations of such doubtful identity of understanding with ourselves as the new European nations, or the kingdom of the Hedjaz, or Persia, or Siam, or Liberia, or Haiti. In an Assembly in which those nations are taken in, our position is certainly improved by having there as associates the Dominion of Canada, or Australia, nations that we have no difficulty in understanding, nations with whom we would be much more likely to agree, whose opinion would be much more likely to be ours and in support of ours than some of the others which I could mention. So I think that reservation goes too far. I think it is unhappily expressed. And I think there is more of unfortunate politics in that reservation as it now stands than there is of good sense. (Applause.)

It is quite apparent that what some hoped to see come out of this war and out of the Conference at Versailles has not been had. Some hoped and dreamed that we might have a great super-state, that we might have an actual federation of the nations, that we might have something in which all our sovereignties would be merged. Well, of course, we have nothing of that kind. What Versailles did actually give us, I think, is not a super-state, but an alliance, an alliance primarily between the five principal contestants against Germany and Austria, with other associates, to bring the little fellows along and coerce the rest of the world to certain ends. Those ends were primarily these: first, to realize the terms of the treaty and see that they were carried out. In the second place, to give security to parts of the world which are still menaced, seriously menaced, to take the menace out of numerous situations, and give reinforcement there to right. And in the third place, just as far as an alliance can contribute to a continuance of peace, to give us continued peace.

The covenant as it stands, does one thing of very interesting character, with respect to international law; it does put international law on a different basis. In December, 1916, I was privileged, as a member of a Pan-American Scientific Congress at Washington, to listen to a very remarkable address by Mr. Elihu Root on the future of international law. He certainly was a courageous man to talk about the future of international law in December, 1916, but he did, and he made a most remarkable address, and this was the abiding thing in my mind that came out of it: He said status and character of international law as the present time, may be exhibited by a contrast with private law. Brutal, ferocious aggression by one nation upon another at the present time is, in international law, a tort, it is not a crime; that is, it is an aggression

solely upon the nation affected, and the nation affected bears all the responsibility of resistance and of securing indemnity. Mr. Root's position was this: you have got to make a great, brutal, wanton aggression by one state upon another a crime in international law, something that touches the rights of every nation, and that every nation must arouse itself to redress, just as a community today punishes a crime—we do not leave it to the individual to avenge a criminal act upon himself. When you get that conception in the mind of the world, says Mr. Root, and behind international law, then international law will become a potent thing in the world. And I think the league, even in the form in which we have it, with whatever reservations you want to write into it, does that thing for international law. It does convert a great trespass upon one nation by another from a tort into a crime, and it seems to me that all the nations of the world should put that crime down.

What are we going to do about this league, now that it has been defeated in the Senate? I think there is only one thing to do. Treaties have been defeated in the Senate before. Let us go back to a very important treaty in the history of our negotiations, the Hay-Pauncefote Treaty, negotiated by Mr. Hay. Mr. Hay thought he got a very good treaty out of Great Britain the first time. He put it before the Senate, and the Senate rejected it. Mr. Hay was disappointed—was almost an embittered man. If you will read his private letters, given by Thayer, of about this time, you will see how violently he detested the Senate, and how convinced he was that the Senate would never ratify any important treaty again. He brooded upon that for awhile, and then he did the sensible thing. He recognized that the Senate was within its rights, and that the only thing for him as Secretary of State to do was to try again, and he gave us as the result of the Senate's obstinacy, a better treaty than he had before. He got the treaty from Great Britain, and took it back to the Senate, and the Senate ratified it. And that is the thing to do now. The thing for the treaty-negotiating power to do, in the light of the attitude of the Senate, is to try afresh and re-submit to the Senate an instrument which will accord with the Senate's ideas, to a certain degree, at least, and which will provide certain changes of the sort that the Senate discussion has indicated. Let us conserve those advantages that have been secured for us, get them in the treaty, put the treaty back into the Senate, and get it ratified. (Applause.)

Remarks by President Gransky

THE PRESIDENT: We are now to have the privilege of hearing the treaty discussed from still another standpoint. Rev. Josiah Sibley will

speak to the Club on the ratification of the treaty with interpretative reservations only. It is a great pleasure to have Dr. Sibley with us tonight, as he is soon to leave San Francisco for the city of Chicago. The only thing I regret is that the active participation in our affairs by Dr. Sibley comes so late in his stay in San Francisco. I present to you Dr. Sibley. (Applause.)

Address by Rev. Josiah Sibley, D. D.

MR. SIBLEY: I was not a little pleased just now at the introduction of the preceding speaker, and also at his opening words, to see that there was a certain evident desire to get on to the grounds of interpretative reservations. It seemed as if there were just a little bit of feeling on the part of the speaker that perhaps the Lodge reservations, after all, were not what a man would want to swallow whole. So he was very careful to pick a little here and a little there, and finally to indicate that perhaps there were some three or four of these Lodge reservations which, if we were allowed to interpret them as he would, would be good things to have tacked on to the treaty, and hence affixed to the league of nations.

I think we see that the interpretative reservatians really are the essential thing, and perhaps they would be far more safe were I to stop at this point. Nevertheless, it happens to be my duty to have to extend the discussion a little bit. And that I will do, but I will not take that up until I look a little further at some of the things which were remarked by the preceding speaker.

He made it very evident that he desired to follow the leadership of the Senate, and he dwelt upon the fact that there had been a very excellent reason why the Senate should have followed its policy of taking some ten months to come to the conclusion that, after all, it could not come to a conclusion. He pointed out how great a thing it was that the Senate had contributed so much to the foreign policies of the United States. But I think if we look back through the hundred and more years of our history, we will find that every great piece of policy of a foreign nature which we are accustomed to associate with the advancement of American doctrines, has come from the leadership of the executive and not from the Senate. If we take his choice morsel, the Monroe Doctrine—was that the outcome of some Senator's brain? Do we not rather find that it was the outcome of some consultation between two or three men, one of whom was President, and two others who had been President of the United States? And by the way, I believe they happened to have been Democratic Presidents. (Laughter.)

And when we come to the consideration of a further pushing forward of the foreign policy of the United States, it was President Polk, not Senator Polk, who was giving forth the utterance. Then again, when there came a further pushing forward of the foreign policy of the United States with the Alaska Purchase, when we were telling the French they must get out of Mexico, it was the Secretary of State and the President of the United States, the executive administration,

which was pushing the matter forward. Yet a little further on, when the time came when it seemed that things had been going forward rather too far with regard to certain grasping policies of Great Britain in Central America, some twenty-five years ago, it was still the President of the United States who gave his Venezuela Message.

So I think we do not have to feel that because a man happens to be President of the United States and charged by the constitution of the United States with the duty of negotiating treaties, and has carried forward that duty in a time of great stress, that therefore we have to undo everything that he has done.

Again, I chance to have been reading quite recently, a very interesting life of John Marshall by Senator Beveridge. In one of his chapters Senator Beveridge tells the story of a certain treaty which was negotiated under President Washington's administration with Great Britain by Secretary Jay. And he says that, contrary to the rules of the Senate, a copy of that treaty was secured and published by one of the Senators before it had been submitted to the Senate. It raised such a furore from Massachusetts down to Georgia that there was no restraining the popular outcry against the miscreant administration. They railed at Alexander Hamilton, they burned John Jay in effigy, and they said George Washington was not and never had been any kind of a President. And, says Senator Beveridge, the chief rub of the matter was the constitutional question as to whether or not the President or the Senate had the right to negotiate a treaty. And he says Alexander Hamilton in one of the most notable contributions of his state papers, which state papers, Senator Beveridge tells us, are edited by Senator Henry Cabot Lodge—Alexander Hamilton, beyond the cavil of doubt, proved that the right of negotiation rested with the executive, and with the Senate to conclude treaties. So history repeats itself.

Dr. Barrows paid great tribute to the Monroe Doctrine, stated that, of course, we shall have our American policies settled in America —settled, of course we shall. Well, if that be so, how can we under any consideration, then, enter into a league of nations? He made the statement that we could settle them better. Maybe we can, but I notice a great many of the South American countries seem to have more intimate and detailed association with European nations than they do with ours, and I am far from being convinced but that if we have a league of nations actually in operation, ourselves in the league of nations, we could settle the Mexican question, for instance, in a very little while. If we were acting under instruction, mandate, or suggestion from a league of nations pertaining to affairs in Mexico, there

would not be any room for Mexico or South America or ourselves or anybody else to think that we were trying to act selfishly and get something for ourselves down there. We would be acting in a capacity akin to that of trusteeship.

With these brief references to arguments that have been made, let us look a little toward the interpretative reservations.

The judicial exposition of the chairman of the Section, as well as the admissions of the preceding speaker, have brought us to the conclusion that there certainly are in these Lodge reservations some things which nullify an actual league of nations covenant as it has been proposed. And I think that the last speaker went so far as to put himself on record, I hope on the spur of the moment more than on his actual conviction, as not being in favor of a league of nations which did not keep America absolutely outside in the solution of those questions. That had relation at the moment to Reservation No. 5 in regard to the Monroe Doctrine. May we not understand that the Monroe Doctrine, in its highest and truest conception, is not a doctrine which means that the United States shall be a kind of nation over America, a "United States über als" America. It means that North and South America need not be afraid of danger or invasion from an outside source. That is what it means, and it does not mean anything but that. And if, under the constitution of a league of nations, we have the whole world guarantee that very thing, why do we have to go to work and put in these twenty-penny nails and gold-headed spikes contained in Reservation No. 5 as a sort of warning to the rest of the world? Should we not rather feel that if we are going to have a league of nations, we should go into it with our whole soul, with our own desire to make a complete success of it? (Applause.)

This leads me to an examination of Reservation No. 2, the one on Article X of the treaty. I was quite struck with the speaker's reverence for Senator Root's speech in behalf of international law. He says Senator Root, in 1916, cried out for the time when that which had been regarded as a tort, whatever that law term means, should be translated into being an actual crime. Well, that is just exactly what the league of nations proposes to do; and not only that, if this reservation to Article X be not made a part of it, what the league of nations will be strong enough to see is done. Why Article X merely proposes this:

"The members of the league undertake to respect and preserve, as against external aggression, the territorial integrity and existing political independence of all members of the league. In case of any

such aggression, or in case of any threat or danger of such aggression, the Council shall advise upon the means by which this object shall be fulfilled."

Would that not have delighted the heart of Senator Root in that dark hour in 1916 when he expressed himself as the speaker has so well narrated to us? I believe the speaker, though he did not dwell upon it at length, indicated his chief joy over it as being that it kept the executive from being able to do it. For myself, I don't care who attends to it, whether it is the executive or whether it is Congress, just so long as the moral, physical and legal force of the United States is united with the force of the world for the sake of making this world free and peaceable. (Applause.)

Let me call your attention to the fact that this Lodge reservation, Reservation No. 2, on Article X, is really an amputation of the treaty. Suppose there shall be put into the treaty this reservation on the part of the United States. Listen to what it does: The United States, in becoming one of the member nations of the league, has already said that, as such member, it is willing to respect and preserve as against external aggression the territorial integrity and existing political independence of all the members of the league. Yet, having said that, we proceed:

"The United States assumes no obligation to preserve the territorial integrity or political independence of any other country by the employment of its military or naval forces, its resources, or any form of economic discrimination, or to interfere in any way in controversies between nations, including all controversies relating to territorial integrity or political independence, whether members of the league or not,"—could anything be more inclusive than that?—"under the provisions of Article X, or to employ the military or naval forces of the United States, under any Article of the treaty for any purpose, unless in any particular case the Congress which, under the constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall, in the exercise of full liberty of action, by act or joint resolution so provide."

So far as the second part of that provision is concerned, relating to Congress having the sole power in the employment of the military and naval forces of the United States, there can be no objection to that. That is merely an interpretative part of the reservation. But it is the earlier part of it, in which it is said that the United States will assume no obligation, that makes the difference and makes it impossible for us to be able to enter into this league, if we should attempt to go into it with that reservation stated exactly as it is.

The interpretative reservation means that it is perfectly within the bounds of reason that the United States, if it wants to, can say in other words of its own, or the Senate of the United States can say, in other words of its own, what seems to be the meaning of such and such a phrase. Take, for instance, Reservation No. 1. I believe Mr. Krehbiel referred to that as being a nullifying reservation. I don't look upon it as being a nullifying reservation. I think that is an interpretative reservation. Article No. 1 had said that any member of the league may, after two years' notice of its intention, so to do, withdraw from the league, provided that all its international obligations and all its obligations under this covenant shall have been fulfilled at the time of its withdrawal. It does not say who shall judge whether the obligations have been fulfilled or not. Since it is left an open question, it certainly would seem as though it were within the bounds of privilege of the United States to say, "We will interpret that as meaning that we are free to judge for ourselves," and I think that is right. But when they put on there that notice of withdrawal of the United States may be given by concurrent resolution of the Congress of the United States, they are trespassing upon constitutional ground in our own country. It is the provision of our constitution that the President, together with the Senate, shall have the right to direct affairs in that direction, and here is the Senate trying to go the constitution one better in the thing which they hold up as being a criminal act on the President's part.

So, if we should look at the majority of these fifteen reservations, they are not reservations which are trying to preserve the rights of the United States half so much as they are reservations trying to vent the spleen of a body which says, "A department of the government has trodden upon our dignity, and we are not going to stand for it." Isn't it a rather undignified and shameful thing that in this tremendous hour of the world's peril, we must have the dirty linen of the United States washed right out on the front door step where everybody can see it? Should we not say, if we mean to act as thoughtful Americans should act, "We will give the Senate to understand that we, the people of the United States, while we do not wish in any sense to accept as absolutely infallible what may have come from the pen of the President of the United States, or from the representative of any European government whatsoever, nevertheless, we are in earnest about conserving the results of this war, and we can look back even through the brief period of two years, and remember that we did have some very definite notions about that time, whether we have now or not; and we can understand that we entered into this war for the sake of making the world

safe for democracy, for the sake of banishing warfare, for the sake of banishing secret diplomacy. And when we started out to do that, we said we believed it could best be accomplished by having some kind of an organization of the nations of the world, wherein they would agree together, not for the sake of their own might and power, but for the sake of the freedom and the peace of the world. It was with that sincere purpose in view that we saw our sons die in battle. It was for that purpose that we were willing to give our utmost penny and our last tribute of blood that the world might be free of that old autocracy, with its lying, deceitful diplomacy, and that liberty might mean something throughout the world. And somehow we got the idea, I don't know where we got it, whether it came from President Wilson, whether it came from Lloyd George, or sprung full-panoplied from the head of Jove, but anyway, we got the idea that we were going to accomplish those things by having an agreement which we could call a league of nations. And here was this covenant of the league of nations which stood to accomplish this purpose in some four ways. In the first place, it said, we shall get at this business by uniting on this platform; that, for the sake of banishing warfare or making warfare as a last possible resort, the nations hereafter subscribed unite themselves in this solemn covenant of the league of nations. Having gotten together on this basis, they said: "We will have certain specific ways which we will seek to follow out in securing all these purposes." And as one of the first ways they said, "We will establish a tribunal, a judicial tribunal, and before this judicial tribunal must be tried all possible causes of warfare that might arise between nations." Then in the second place they said, "We shall appoint a commission which shall study the question of armament, and shall recommend to the various nations steps for mutual disarmament"—not asking the United States to go unclothed before the world while all the rest of the world should be armed to the hilt, but asking that each nation should have just its necessary part which should be agreed upon, in proportion to and in comparison with what other nations should have. That was the second way—mutual disarmament; proportional, gradual, mutual disarmament. Then the third way was that there should be a necessary arbitration of any difficulties which might arise between any two nations, a necessary arbitration. And if any nation, whether a member of the league or not a member of the league, should undertake to go marauding in somebody's back yard, then it was going to get up against the court of the world, and it would have to agree that it would let somebody arbitrate or else it would let the matter be settled by this council of nations. After these fashions was it proposed that there should be a doing away with warfare.

There was yet another, and that was, it was provided that secret treaties should not have any further recognition, that whenever a nation should enter into any kind of a treaty with another, if that treaty was ever going to be of any effect, it had to be recorded and published to the world through the secretariat of the league of nations. And when once you have all the cards face up on the table, you take away all the elements of chance there. That was another way whereby it was going to be possible to work out this great problem of freeing the world from war. That does not mean that we have reached the millenium or fought the last war. But it does mean that when men have arranged to go to court instead of going around with pistols in their hip pockets on every side, and have agreed that they will just have certain policemen, and then every nation that has a grievance or that is a violator has got to go to court; and when they said in addition to this that if any nation shall reach out and try to steal what doesn't belong to it, all the rest of the nations will immediately perforce pitch on to it, why, there is a conception of having the same kind of governmental orderliness in the affairs of nations as we have in our own commonwealths today under our civil governments.

Now, that is a very reasonable thing, a very excellent proposition. But it is based upon the whole-heartedness with which nations shall enter into it. And right here, when it is to be based on that whole-heartedness of action on our part, what do we have? Why, we have these Lodge reservations, saying that, as for the United States, yes, we will go into it, but we will be the arbiter of our own destiny, and not only that, but also of South America, too, and you need not say one word about it.

Again, we have this suggestion that, if some nation like Germany is ready to attack some little Belgium, and the question arises whether it is our duty to assist in repelling the Germans, we will say, "Yes, well, maybe we will and maybe we won't. We will just wait and see." But do you know that if Germany had had any certain idea that even England, let alone the United States, would be jumping on her because of what she did, she never would have done it? The great secret of the power of this league of nations is the very fact that all nations say that if any nation runs amuck, there is something going to be doing, and immediately, and the offending nation is not going to do it, because they fear the public sentiment and the certain justice which will be meted out to them. I think a knowledge and a sense of security should come to us from that situation which should make us know and pointedly declare that we don't want Reservation No. 2 on our Article No. X. And I think if we could but get back to the situation of two years ago,

if we could be as devoted as we were two years ago to the principle involved, with a united front for the accomplishment of these things, we would soon forget who was Republican and who was Democrat.

After all, what is the difference? We don't care for a name. We care for a principle. We care to see that these ideals, the idealism which speaks within the bosoms of American citizens, shall be expressed in law throughout all of the world. And the greatest tribute, the very greatest contribution which America can make to the world, is a contribution of her idealism—and that is exactly the thing which these opponents of the league of nations would have us to cut out of our lives. They say, "We are Americans," and they let the eagle scream, altogether forgetful of the fact that the true soul of America has never been measured in territory—it has been measured in the ability to serve, it has been measured in the ability to give ideals to the world. That has been true throughout all our history. Did we care way back yonder when our nation was young whether or not we were big enough to take care of those Barbary Coast pirates that were wrecking civilization over across in the Mediterranean? No. We said, "It is our duty, and we will go and do it." A little later, when we were hardly of age, and there came the story that Spain and Austria were trying to run off with some of those South American republics, we gave birth to that doctrine which said, "Not so long as we have anything to say about it will you do it." Then, in the middle of the century came that time when we had to fight our own life's battle, brother against brother, trying to get a better vision of what it was really to be free. And it seems to me that I can still hear the words of that one who spoke on that battlefield of Gettysburg, when he said, "It is for us, the living, to dedicate ourselves to that for which these men died." And it is so, that that for which our brothers died across the sea, in order that Serbia and Belgium and France might be free, is that which calls out to us to make the league of nations a reality, not a mockery. (Applause.)

Discussion by the Meeting

THE PRESIDENT: The subject of the evening is now open to discussion under the five-minute rule. Has Colonel Graves anything to say on the subject?

Remarks by Walter C. Graves

MR. GRAVES: I never like to advance a thought in public unless it be a premeditated one. Mr. President, I have been called upon here suddenly and I have not had sufficient time to arrange my thoughts and shape what I might say. I will, however, state that I have devoted a great deal of study to the league of nations with the constitution of the United States before me, and with the Farewell Address of Washington and the Monroe Doctrine, and all our domestic policies well in mind, and after listening to the able debates in the Commonwealth Club, and reading some of the ablest speeches made on the subject in the Senate of the United States, and I cannot see where any reservations are necessary in the covenant of the league of nations. (Applause.)

I am confirmed in my opinion by reason of the fact that the same conclusion was reached by the very able and unprejudiced representatives appointed by certain neutral countries, namely, Sweden, Denmark, Holland and Switzerland, and all have joined the league without asking for amendments or reservations except Switzerland; and Switzerland merely reserves the right in case of armed conflict of her neighbors, to maintain her neutrality, a particularly reasonable reservation considering her location. So we see that men of wisdom in other countries have passed upon the subject. I do not think that all the wisdom of the world lies in America. Each country has its men of wisdom.

Spain and Portugal and Persia have joined the league of nations, and every nation on the American continent except Mexico and the United States, have also joined the league. I can see no good reason for reservations, because the constitution of the United States States speaks for itself, and cannot be supplanted by the treaty, and no war can be declared and no troops sent out of the country to engage in warfare without an act of Congress granting permission.

This League of Nations was framed with the constitutions of all the countries and all their domestic affairs before the framers of the league, and they are men of brains, men who stand high in all the countries of the world; and since they assented to this league of nations why should we not be willing to do likewise? Why, gentlemen, the league of nations is already established and the other nations of the world are stretching out their arms to us to come in

and aid them in putting on a yet firmer basis that which the President of the United States nearly exhausted his life in trying to get incorporated into the treaty of peace.

It seems to me the United States should become a member of the league upon the same terms and conditions as the other nations, and be willing to do her part in maintaining the peace of the world; or she should, as gracefully as she can, retire and not become a member at all. I would rather see the league defeated in its entirety than see it adopted with reservations that would so weaken and hamper it as to make it a sham, a mockery, and a fraud.

Some of the reservations seem to forbid the representatives of the United States in the league from exercising even a moral or diplomatic influence to prevent war and maintain the peace of the world, without the consent of Congress.

If we are not willing to do our part, and actually propose to do nothing at all, what business have we in the league? If Congress is permitted to usurp the diplomatic functions of the President, and handle all our diplomatic affairs, our nation would soon become a laughing stock of all the diplomatic world, because even our Senate has been unable to function and pass upon the league of nations after a year's debate (and wars could commence and end in that time), and if every diplomatic question is to be submitted to the House of Representatives and the Senate, the inability to function would be increased and confusion beyond conception would prevail.

The league, as I understand it, creates for the first time in the history of the world machinery to promote peace. Machinery has heretofore existed in every country for the promotion of war. Shall we go back to the old machinery without even a trial of the new? The opponents of the league say "it is imperfect." We admit it—but it can be amended from time to time as experience may demonstrate is necessary. (Applause.)

Remarks by R. L. McWilliams

MR. MCWILLIAMS: Mr. Chairman, I have just one word of comment on one of the articles of the treaty that was not discussed very fully by President Barrows. I refer to Article X. That section provides, as suggested by Mr. Root in the speech referred to by Mr. Barrows, for the creation of an international police force. That simply means, in other words, that the idea of a police force, with which we are acquainted, shall be expanded. It is not a common practice, I believe it will be conceded, when an emergency arises in a city, to take a vote to determine whether or not the police shall

undertake to cope with it. The very force and value of the police system lies in the fact that, when the emergency exists, there is a force on hand ready to meet the emergency.

That is precisely what Article X of the treaty provides for. The reservation suggested, provides, in effect, that when the emergency arises, it shall not be dealt with upon its arising, but that Congress shall subsequently consider the facts and determine whether or not it agrees that action should be taken. And, as the first speaker of the evening has very properly suggested, if all the members of the league did the same thing, the treaty would be simply nullified—it would have no effect.

We can, I believe, fully appreciate the situation that would confront us under a league whose constitution had been modified by a reservation of this kind, if we consider the effect of such a treaty prior to the outbreak of the recent war with Germany. We would have Germany threatening to institute war, and the nations considering whether or not they would take action. After the war was instituted by Germany, there would have come the deliberation provided under reservation 2, a deliberation by the United States or by the other nations as to whether or not action should be taken. Is that not precisely the situation that existed at the time? In other words, did we not have the right at that time to do precisely what is provided for under reservation 2, that is, the right of Congress to determine whether it should, in the exercise of full liberty of action, declare war against Germany?

I say, Mr. Chairman, that under the proposed reservation to the treaty, we would be in no better position than we were prior to the outbreak of the war, and that if we are to have an international police force such as is advocated by Mr. Root, it must be such an international police force as would be authorized, at the outset, and at the moment the emergency has arisen, to cope with that emergency. (Applause.)

Remarks by John J. Arnold

MR. ARNOLD: I was born and raised under the British flag. I have been a resident of the United States for twenty-nine years, a citizen for twenty-one. I am a Democrat in politics. Sometimes I have voted for Republicans. I have been in favor of a league of nations. I do not consider the present covenant in the light of a league of nations but rather in the form of the holy alliance, where the victors got together and made an agreement among themselves, and then left an opening for others to come in under conditions

which they provided. Nevertheless, I believe that even this unsatisfactory instrument is better as a beginning than to have none at all.

The question of our Monroe Doctrine is one that has always seemed to me as having outlived its usefulness. It is not of American origin—it was proposed to us by the British. It has served a great purpose, but I believe that we should now renounce it as a doctrine and say to the world that we are through with it. I know that the Latin Americans as a result would feel far more friendly towards us. We could and should have something bigger and broader than that. A mutual covenant of the members of the Pan-American Union would be international co-operation. This great ideal is included in the covenant of the league of nations.

On the question of renouncing our sovereignty; under the league only that nation which desired to be obstreperous would renounce its sovereignty. Let me give you an illustration. Some years ago in the city of Chicago, we had a great panic threatening. The bankers of the city were called together on a Saturday afternoon and were notified that a big bank failure was impending. They realized that a great danger threatened their own institutions if the bank in question was allowed to go to the wall. So the bankers of Chicago agreed to guarantee the deposits of this institution and had a receiver appointed. The guarantors had to make large contributions to make good their guarantee. And as a result they found it wise to form among themselves an association for mutual protection. Under this organization they appointed a clearing house examiner, the first in the United States. This official had authority to enter any bank, to examine its books and its assets and liabilities and to report back to the clearing house committee. One new organization in the city of Chicago that had come into this clearing house arrangement began to do things which should not have been done. It was notified that it had to correct its ways. It thereupon withdrew.

Now, it might be said that every bank in the Chicago clearing house had renounced some of its sovereignity in making that agreement. And it had, just to the extent as we in our international life will do, if we United States of America join the world league. Just the same as would every other nation, that is to say, to the extent that we are willing to have our books out in the open and have the world know what we are doing. A bank outside of the clearing house is practically an outlaw. Those on the inside are proud to advertise the fact. Just so with a nation; the moment she wants to do something which ought not to be done she will readily

be renouncing something, but not before. I believe, Mr. Chairman, that we as Americans should take the position that what in this league is good for us, is good for others, and what is good for others is good for us. This applies to the Monroe Doctrine as well as to any other phase of international life. (Applause.)

THE PRESIDENT: I am informed that Mr. Peter Clark Macfarlane is in the room. We would be extremely pleased to hear from Mr. Macfarlane.

Remarks by Peter Clark Macfarlane

MR. MACFARLANE: Mr. President: I assure you that it comes under the head of cruel and unusual punishment to get me up on the floor when there is a five-minute rule.

THE PRESIDENT: We will be glad to give you ten minutes, Mr. Macfarlane.

MR. MACFARLANE: I have been very greatly illuminated by Dr. Barrows, and very greatly entertained by Dr. Sibley. Each man has run true to form. Dr. Barrows has bade us think wisely and carefully about a great question, requiring statesmanlike consideration. Dr. Sibley has fired us with the passion of the prophet; he has pictured to us an ideal. He has expressed what any true prophet feels but what only an eloquent man could say.

It is a grave question that confronts us, gentlemen, and as we listened to the expressions here this evening, we must be convinced it seems to me, that this is too great an issue to have been settled in a day or two, too profound a problem of constitution building to be evolved in a few weeks and then presented to great nations and have it demanded of them that they shall accept it in the crude and complex form in which is was framed. If this is a good idea for all the world, if the world has struggled for it for two thousand civilized years, what creates the enormous element of haste that would forbid our Senate to consider this thing and to suggest possible improvements? I haven't heard it stated, I think, that all wisdom resides in the mind of General Smuts—almost the second time we have heard of him in history was when we were told he had written the framework of this league of nations.

I repeat, why this haste? Why all this secrecy? Dr. Sibley tells us that if we could only have all the facts out on the table before us—but if we got half of the facts out on the table before us about this league of nations, we would begin to understand the thing; we might know why some things have been done, and why some things have not.

I am moved to recall the story of a gentleman, a college professor, (I hope you won't take this, President Barrows, as reflecting upon your profession in the state here,) who was reminded by his wife as he went down to his afternoon classes that the insurance on the house had lapsed for several weeks and he had better attend to it. So, as he passed the insurance office he stepped in and asked the agent to renew it, which he did, and that afternoon before the professor got home, the house burned down. The insurance company, noting this peculiar consecutive group of facts, wrote to him and said, "We notice that the house was insured at about half past one and that it didn't burn down until four o'clock. Why this delay?" (Laughter.)

Gentlemen, the expression of this audience this evening reveals again the fact that passionately we desire a way out of war. Earnestly we desire the creation of some international instrumentality which may obviate war. But I can't have the proper faith in a document that was conceived in secrecy and brought forth—I have the word, but out of respect to some people here and in other places, it is not a beautiful word at all, and I just won't use it—brought forth in such manner as this document was. The constitution of the United States, gentlemen, is possibly the greatest document that, up to this time, has ever been framed. It took weeks, it took months, to organize that document, and its principles were debated in the open, with the best statesmanship that America could bring to bear upon the question. And yet making a little constitution for three millions of people, on the edge of an ocean, with warring Europe behind them, and the howling wilderness in front of them, was a simple task compared to the preparation of a document which shall become a super-government for the world. And that is done in a few weeks, and it is done by representatives from America who are not altogether representative. That, gentlemen, is the document that we are asked to adopt in a moment. No document like that can be pushed down the throats of any intelligent people today, even if it is all right.

Gentlemen, the league of nations may be right in every particular. But to evolve the thing in secrecy and then bring it forth under the conditions which brought this one forth, we begin to suspect and we say, "Let's turn this thing over and let's look on the back of it, let's kick this thing around a few days or weeks or months, and see what it means. Let's understand it. If it is all right, why, that is a thing to know. If it is all right, it won't hurt it to hold it and turn it over and get to understand it. If it is all

wrong, or it is not to our liking, it is better to be cast aside now than after it has involved us hopelessly."

The great error committed was, in my mind, when for some reason, which I think I might guess at but will not suggest here this evening, the league of nations covenant was injected into the midst of a peace treaty. The present war was fought over moral issues that were as clearly defined as any in the history of the world. It was fought to a conclusion that was sharp and clear. And the duty, the first and wisest duty of the Peace Conference, I believe, was to settle the war and the issues, and put the responsibility where it belonged. Then after that we should calmly, with statesmanship, carefully choose representatives at a moment when the world could be fairly calm and the blood was not heated by friendship and exaltation and other things—then we might go forward to the preparation of a constitution of a league of nations that might have expressed the ambitions which I hold. My ambitions were for a super-government which should have power. I would give some of our freedom to it, as any individual concedes some of his personal rights when he enters into a civilized state and accepts its protection and its responsibilities—he must give up something. But I want a little time, I want a few months, I may want a few years, to consider what all of those things shall involve. In that way, gentlemen, I believe we might build a league of nations which would be strong and forceful, which would make disarmament possible, which would mark a definite advance in the world. Today we have a document that we are uncertain about, produced by a conference the record of whose activities makes us wonder. Today we are reading books which detail to us the method in which the treaty was evolved, and questions of greater and greater doubt arise in our minds.

I think, Mr. President, that I will not take the time of the Club to gather up my conclusions upon the present outlook for that league of nations covenant which has been rejected by the President as proposed by the Senate; and will let my apology for the looseness of these remarks be that fact that it is you who have broached the cask and I who have weakly allowed it to gurgle for a minute.

The people of the United States will insist upon having their way with this document. They will amend it or alter it as they see fit before they give their assent to it; and there is not wanting evidence from across the waters that the European signatories will be quite willing to have the American people do this. By this true and natural and rightful process peace is not defeated, the ideal of

a league of nations is not defeated. Nothing is defeated but the attempt of an executive to dictate to the American people in matters wherein they have reserved a constitutional right to speak and act for themselves; and that sort of attempt always will be defeated in the United States. The cause of peace does not suffer but is rather aided. Nothing suffers but the prestige and the political fortunes of one man. (Applause.)

Remarks by W. W. Sanderson

MR. SANDERSON: Just one word which ought to be uttered at this time in correction, and for the information of Mr. Macfarlane and perhaps other gentlemen who are laboring under the same historical mistake as is he. The constitution of the United States was framed in the utmost secrecy. The constitutional convention was pledged to absolute secrecy. And the pledge was faithfully kept. Not a word was permitted to escape from its closed doors during the painful months that the country awaited the outcome of its work. The only exact knowledge we have of its debates and deliberation is to be gathered from the notes of Mr. Madison and these were not published until after his death, a half century later.

MR. MACFARLANE: I rise to a point of information. I would like to know how many gentlemen were behind the doors.

MR. SANDERSON: The main reason why the convention did its work in secret, was that it determined to violate its instructions, and transcend its carefully restricted powers. You remember that there was a great difficulty in getting the convention together, and the call of the Continental Congress, as well as the resolutions of the different colonies, limited the power of the delegates expressly to the amendment of the Articles of Confederation. No sooner had the delegates come together in Philadelphia than they determined to formulate an entirely new system of government. In this regard they were not representative of their respective sovereignties. As one indignant writer expressed it, they were a revolutionary body. No wonder they sat in secret.

Remarks by David H. Dexter

MR. DEXTER: There is one fact that might be brought out here which has perhaps grown faint in our minds. When President Wilson returned from Europe after the original formulation of the terms of the peace treaty, he called into consultation various Senators and Representatives of the Republican party—as well as others —and reservations and changes then thought desirable were sug-

gested. When the President returned to Paris they were largely introduced into the treaty and covenant and only afterwards did a number of the other reservations which have been brought out in the last few months appear. (Applause.)

Remarks by Grover O'Connor

MR. O'CONNOR: Mr. President and gentlemen: When we were school boys, one of the adages which used to be drummed into us with great vehemence by our teachers was, "Strike the iron while it is hot." I recall, about five years ago, listening to ex-President Taft expound the theory of a league of nations at the Palace Hotel. That was before the war began, before the European nations got into this war. At that time every one who listened to Mr. Taft said that his talk was very interesting, extremely entertaining, but that it was only a beautiful theory—nothing that could ever come to pass; such a thing as a league of nations was entirely visionary. And now, five years from that date, we have a condition in the world where all the leading nations of the world, save the United States alone, have actually ratified and adopted a league of nations covenant, and what was considered visionary but a few short years ago and had been considered visionary for centuries is today a reality and is a reality because the iron was struck while it was hot by President Wilson and by General Smuts and Lloyd George and those other men who did act in secrecy, but, as has just been pointed out, acted in the same secrecy as the men who framed the constitution of the United States. (Applause.)

Remarks by Norman Lombard

MR. LOMBARD: Mr. President, there are some other analogies to the constitution of the United States which we might profitably consider. I have spent some of my time studying engineering (It is popular, these days, to pose as an engineer), and one of the principles used in mechanics is that if you haven't sufficient power to accomplish your entire object immediately, you carry your wheel or other moving part as far as possible, and then hold it there with a ratchet.

We would like to turn this international co-operation wheel clear over—every one of us would. I am frequently reminded of the old Greek adage that "all men think alike in so far as they think at all" when I come to these Commonwealth Club meetings. Some of us were for adopting the treaty as presented, in spite of the fact that there were errors and iniquities in that treaty. The

Articles of Confederation of the thirteen colonies did not constitute an efficient instrument, but it was efficient enough to carry us to the doors of the constitutional convention. In the constitutional convention human slavery was written into the fundamental law of this land, and yet which one of us, if he had lived at that time, would have been proud to vote "no" on that constitution, just because of some minor defect, considering the great good which that constitution held?

And so we have the covenant of the league of nations presented to us, and it is said to be full of iniquities; granted; but it is also full of good. And it is the greatest document that has ever fallen from the hands of man. (Applause.)

Now, we could not get the ideal league of nations and treaty all at once. Why? It is not profitable to consider motives. The fact remains we could not get it. What is the next best thing? The next best thing is to take what we can get, hold it with the ratchet of our signature and then go after more. (Applause.)

THE PRESIDENT: Are there any further remarks on the subject? Mr. Miller, will you contribute to the discussion of the evening?

Remarks by John H. Miller

MR. MILLER: Mr. President, you are doing a very dangerous thing to suggest to me a discussion of the league of nations under the five-minute rule. I have some very strong feelings on the subject of that document. I may say some very violent things.

What I have heard here tonight only impresses me with the fact that I believe I have been right from the beginning when I opposed that document in this room, in June of last year. I have heard here tonight some of the most astounding and remarkable doctrines that it has ever been my misfortune as an American citizen to listen to. The principal one is the one advocated by the learned and reverend gentleman who sits on your left and so eloquently seconded by my British friend on the left of me here, that we should abrogate that sacred doctrine which has been a sheet anchor of our liberties and our safety for so many years, to-wit, the Monroe Doctrine. It is openly advocated by these gentlemen that we should abrogate the Monroe Doctrine, and submit any questions that may arise under that to a council of foreign nations sitting in Geneva, whose aspirations are different from ours, whose feelings are different from ours, who are not imbued with the principles that have been handed down to us from the days of our revolutionary fathers and have been perpetuated by our free and noble institutions which have civilized and enlightened the whole world and have made an ex-

ample such as has never been given by any other nation since the beginning of time. That Monroe Doctrine, which is as sacred to me in a political sense as is the Holy Bible to the reverend gentleman in a religious sense—that doctrine I shall never give up as an American citizen and shall never, as long as I live, consent by my vote or any other act of mine to be entrusted to a council of foreign nations to be interpreted in any way that they may see fit.

Whoever wants to give up the Monroe Doctrine has a right to say so. But I do not side with that man who expresses any such sentiment as that. I live on the other side of the fence. I live on the American side and not on the European side. And when we put in that reservation in respect to the Monroe Doctrine, we simply said to the people of the world, "We are going to maintain forever and for all time the views which we have held in regard to the Monroe Doctrine, and we are not going to give them up." As for me, that is my position now and forever.

Then there is another proposition in these reservations, and that is in relation to the Shantung matter. A more unjust, a more iniquitous, a more horrid proposition was never sought to be foisted upon a civilized world, than the robbery and the rape of Shantung, which was to be taken away from the people to whom it belonged and entrusted to that imperialistic empire, Japan. Never, so long as I live, will I ever consent to any such treaty as that, and the reservation in that behalf was placed there for the purpose of protecting us against the iniquity of that thing. No other act in the whole history of the world approaches that proposition of Shantung, in its vileness, in its iniquity, its rotteness.

The reverend gentleman has preached to us ideals, and he said we went to war for the purpose of making the world safe for democracy and for the purpose of overthrowing imperialistic power. I deny it. We didn't go to war for any such purpose as that. Because if we did, we belied our own words, since we joined ourselves in going into that war with two of the greatest, the most imperialistic nations that had ever ruled, Russia, that was then governed by the Czar, and Japan, that was then governed by its imperialistic Emperor. We joined those two imperialists for the purpose of putting down imperialism, and yet they were our allies!!! That proves, Mr. President, that we didn't go into the war for any such purpose as that. The truth of the matter is that we went to war to protect our own rights, because Germany was declared to have made war upon us and was at war with us, and was destroying our ships and killing our people who were aboard those ships

without any warrant of international law or anything else. The resolution that put us into the war simply declared that Germany had already done that thing to us and was at war with us, and we went to war for our own protection, to protect ourselves against those unrighteous acts of Germany.

It is all well enough, Mr. President, for us to indulge in ideals and to set up the slogan that we went to war to protect democracy and to prevent future wars and all that. But you can't fool people who have thoughts within themselves and minds capable of expressing those thoughts with any such twaddle as that.

Consider the matter just as it stands. While it is perfectly true that to prevent autocracy and to spread democracy are very good things, and are laudable things, and it would be a good thing if we had accomplished them and can accomplish them, yet there is no use trying to deceive ourselves. And I say no man can justify himself in any such argument as that. (Applause.)

MR. ARNOLD: If everything that is said is to go into our records, Mr. Chairman, I move that the words referring to me, "My British friend," be stricken out—I am an American. (Applause.)

THE PRESIDENT: We are approaching the time at which the meeting will adjourn. If there be no further discussion of the subject from the floor, I will ask Colonel Barrows if he has anything further to say, or Dr. Sibley.

Remarks by Rev. Josiah Sibley

DR. SIBLEY: I might make just one word of correction, Mr. Chairman. One of the speakers suggested some comparison between the Monroe Doctrine and the Bible. I believe in the Bible, but I also believe in the higher criticism of the Bible. I believe in the Monroe Doctrine, and I also believe in the higher criticism of the Monroe Doctrine.

THE PRESIDENT: Is there anything further that any one wishes to contribute on this subject? If so, we will be glad to have it. If not, our meeting will stand adjourned.

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TRANSACTIONS

OF THE

COMMONWEALTH CLUB

OF CALIFORNIA

VOL. XV JUNE, 1920 No. 3

The Poor Man in Court

The object of the Commonwealth Club shall be to investigate and discuss problems affecting the welfare of the Commonwealth, and to aid in their solution.—Constitution, Article II.

The Commonwealth Club shall maintain itself in an impartial position as an open forum for the discussion of disputed questions.—By-Laws, Section 10.

SAN FRANCISCO, CALIFORNIA

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TRANSACTIONS
OF THE
COMMONWEALTH CLUB
OF CALIFORNIA

VOL. XV SAN FRANCISCO, JUNE, 1920 No. 3

THE POOR MAN IN COURT

The Club's Section on Judiciary has for a long time been considering the problem of improving the administration of justice for those who are financially unable to meet the expenses of hiring counsel and paying the established court fees.

The investigation fell into two divisions: First the problem of settling claims involving small sums; and second, the protection of the rights of those accused of crime who are without money to make their defense.

The latter problem is doubtless the more important for it involves the liberty of the accused; and, for the want of proper defense a man may be unjustly imprisoned, or, if guilty, may suffer a penalty beyond his deserts.

Only less serious is the problem of enabling those without money to prosecute their claims for the small sums that may be due them. The cost of collecting small claims by suit at law is now so great and is subject to such delays that the poor man must endure his losses, however unjust they may be. The effect of this situation is unquestionably to rouse a feeling of resentment against the established government in the breasts of those who suffer from it.

To meet these evils the Section presented first a plan for a small claims court; and second, a recommendation for the extension of the Los Angeles experiment of the office of public defender.

The Section was assigned the Club meeting of May 20, 1920, and presented its report in the following program:

Introductory Statement, by Edward Hohfeld, Chairman of the Section on Judiciary.

"The Small Claims Court," presented by Albert A. Rosenshine, Member of the Assembly from the 31st District.

"The Public Defender," by William H. Gorrill and Walton J. Wood, Public Defender of Los Angeles County.

A general discussion followed the prepared reports in which the following members and guests took part:

William E. Billings; Edward F. Adams; Robert W. Dennis; Edward Hohfeld; Chas. Raas; C. C. Boynton; Alden Ames; Courtney L. Moore; Henry E. Monroe; J. G. Conlan; R. J. Miller; J. H. McDonough.

The reports and discussion were ordered printed for the information of the members.

Meeting of May 20, 1920

The regular meeting of the Commonwealth Club of California was held at the Hotel St. Francis, San Francisco, on the evening of May 20, 1920. President Grunsky presided. Following the dinner and business meeting the members were called to order as follows:

Remarks by President Grunsky

THE PRESIDENT: The subject of this evening, "The Poor Man in Court," is one which was before this Club, in part at least, five years ago. At that time, if my recollection is correct, the Club was quite evenly divided on the question of the desirability of having a Public Defender. Tonight we approach the subject, "The Poor Man in Court," with an additional five years of experience, and we shall have the benefit of the experience of Los Angeles in the matter, of any advantages there may be in the service of a Public Defender. The matter will be introduced by Mr. Edward Hohfeld, the Chairman of our Section on Judiciary, and the other speakers will then follow, after which our usual custom will be followed of discussing the subject from the floor under the five-minute rule.

I have great pleasure in introducing to you now Mr. Edward Hohfeld.

Statement by Edward Hohfeld

MR. HOHFELD: My part in this evening's program is a very small one. The detailed reports on the subject, as stated by your President, will be presented by the chairmen of the sub-committees.

We are particularly fortunate in having with us Mr. Walton J. Wood, of Los Angeles, who can tell us of the actual workings of the public defender system there during the five years since this subject was up for discussion before the Club. I have been asked to make a few remarks on some general aspects of the subject.

"The Poor Man in Court; Can He Get Justice?" At the outset, let me say that this statement of the subject is not intended to imply that the substantive law, the law which defines the rights of men in their various industrial and social relations, consciously or otherwise discriminates against the poor man, for I don't think it does. The substantive law has scrupulously preserved the balance between the poor man and his more fortunate neighbor. During the last few years, the substantive law has tended to ameliorate more and more, so far as law can do that, the lot of the poor man. In that connection I mention the obvious examples of the workmen's compensation act, the women's eight hour law, the child labor law, the doing away to a

large extent with the fellow-servant doctrine; doubtless you can call to mind other illustrations along this line.

Neither is this subject intended to imply that the judges who administer the law discriminate in any respect against the poor man in court, for they do not.

The trouble, if there be any; the defects, if such exist, arise from the machinery for the administration of justice in cases involving so-called petty litigation. There is too great delay; there are too heavy costs—court costs and witness fees. The expenses of counsel and the waste of time are too great. The small claims court is intended to do away with these defects by establishing a very flexible, simple, speedy, and efficient means of adjudicating small claims, by doing away with the delay, by reducing the costs of court to a minimum, and by doing away with the necessity of counsel. And it is these things with which the report which is to follow is intended to deal. Mr. A. A. Rosenshine will present later in the evening a bill for your consideration, and that will make more clear the points which I have very briefly alluded to.

Neither is this subject one that is local to California. The defects, such as they are, are country-wide; they exist in all the states. Indeed, the machinery for the administration of justice follows more or less one general plan. One state after another, as it came into the Union, adopted, more or less (chiefly more) the systems which were followed in their sister states. And the fact that in several of the large states, in different parts of the country, there exists a small claims court today, shows that the phenomena are not local in any respect. If I recall correctly, there is a small claims court in Chicago, a branch of the municipal court; there is one in Cleveland, one in Minneapolis, one in Kansas City, Leavenworth, and Topeka, Kansas, and one in Portland, Oregon. Indeed, the committee was advised by the clerk of the small claims court in Portland, Oregon, that that court had worked with such success in the city of Portland that the legislature has recently extended it to the state at large.

I recall reading an interesting little book, entitled "Memories of Westminster Hall," in which there is an account of a lawyer, an eminent king's counsel by the name of Mr. Marryatt. He was asked what he thought of the English system of administration of justice at the time. It is of course only fair to say that this was before the great procedural reforms in England of 1873 and later, and his reply must be understood to be applicable to an earlier time. In substance, Mr. Marryatt's reply was this: "If a man were to demand the coat on my back and threaten my refusal with a lawsuit, I should straight-

way give him my coat, for fear lest in defending it I would lose my waistcoat as well." Expressed in terms of modern conditions, the situation is this: A man with a small claim for $10, $15, $20, or $25 — the exact border line between petty litigation and the larger litigation may be a matter of dispute, but, take a man with a small claim, the collection of which is resisted, he must, of course, go to the justice's court and pay substantial fees in proportion to the size of his claim, and if he has to subpœna witnesses, he must pay witness fees, if they are demanded; and then he probably has to engage counsel, if the claim is resisted and the other man has a lawyer. If he gets judgment, the case may be appealed, and will be if it is stoutly resisted, and he must then try the case over again and must pay additional and larger court fees, additional witness fees, additional counsel fees. If he is fortunate enough to have his case tried with reasonable expedition, so that he does not lose too much time, he will get a judgment. But in the end, he is liable to be "in the red" on his books, so far as that claim is concerned. His nominal victory, in other words, is liable to be a real loss.

Many illustrations of particular instances of hardship may be offered by reference to the records. I have not those cases at my command here in this jurisdiction. But the principle is perfectly well established. We can see how it must operate under our present system. But the committee was very fortunate in having as the basis of its study the very recent report of the Carnegie Foundation, which was published in the latter part of 1919. This report was prepared by Mr. Reginald Heber Smith, a Boston attorney, who is the attorney of the Legal Aid Society of Boston. Indeed, this report, which consists of some two hundred and fifty pages, is devoted, as to fully half of it, to a study of the legal aid societies throughout the United States. But Mr. Pritchett, the president of the Carnegie Foundation, says that, when legal aid societies were studied, it was found that the whole question of the administration of justice for the poor ("Justice and the Poor," the report is called) could not be adequately investigated, nor could proper remedies be suggested, without considering fundamentally all of the chief existing defects in the present system and suggesting the various remedial agencies for the alleviation of the condition — and the small claims court and the public defender system are two of the main alleviating agencies which are suggested. But there are others which are also suggested in the report.

A very remarkable statement is made in this report, to the effect that the legal aid societies have been the greatest single ameliorating agency in the administration of justice for the poor. I think this is

a very noteworthy circumstance, in view of the fact that legal aid societies are wholly philanthropic and extra-legal institutions, which are supported solely by the philanthropic donations of a few people. It may be interesting to us lawyers to know that in Chicago and New York and Boston, where the need of these societies is the greatest, and where we have the strongest legal aid societies, only about two per cent of the lawyers of those cities contribute anything to the support of the legal aid societies. I think this is rather remarkable, when we reflect that the work performed by these societies is really work that otherwise might legitimately be expected to be done by the bar at large.

We have in San Francisco a legal aid society, and have had one for several years. Mr. Billings is the counsel for the society. He is a member of our committee. He is here tonight, and I hope there will be time in the course of the evening for him to make a short statement of the purposes and work of our legal aid society, and that we will get an idea from him of the real scope of the work that is undertaken by such societies.

But, after all is said and done, great as is the work of these legal aid societies, they do not undertake to represent the poor man when he comes into conflict with the criminal law. The State is of course interested in having the guilty man convicted and punished. But the State is equally interested in seeing to it that the innocent man is not convicted, and is interested, in any event, in having the poor man, who is unable to obtain counsel, adequately represented. The only system that is generally afforded now is that of having assigned counsel. But, as we know, that work usually falls into the hands of the fledgling of the law, at least for the most part. If the accused has a little property, or his relatives have, some lawyer who is not so scrupulous as he ought to be, will fleece him or his relatives under all sorts of misrepresentations. It seems very desirable that there should be some officer whose duty it would be to represent the poor man, when he comes into conflict with the criminal law.

Neither does the legal aid society do away with the necessity of a small claims court. Of course, a great part of its work at the present time is devoted to litigants whose claims would naturally fall into that branch of litigation. But the establishment of a small claims court along the lines that will be presented for your consideration this evening, would tend in large measure to do away with the necessity of work along those lines by the legal aid society. The procedure would be so simple that it would not require the aid of counsel.

There are two or three cases which are related by Mr. Smith in his report to which I have referred, and which emphasize better than any other illustrations that I might give, some of the defects of the present system.

Mr. Smith refers to one case which was related by Mr. Roosevelt as coming within his experience when he was Police Commissioner of New York. Mr. Roosevelt stated that he one day visited the office of the legal aid society of New York. He sat at the interviewing desk. A glazier came in and related that he had set twenty-two panes of glass in a barn, and that the owner of the barn had refused to pay him $6.60, the agreed price. He had been out of work and needed this money to buy bread and milk for his family's supper. On his way home from the west side, where he had worked, to the east side, where he lived, he crossed Fifth Avenue at 44th Street, and passed the luxurious restaurants on either corner. His own children went to bed supperless. The next morning he sought out a lawyer, who told him that to bring suit the costs and the fee would be $10. This he could not pay. From there he went to the municipal court, originally known as the "poor man's court," where he saw a judge, who was obliged to explain that he had neither the time nor the money nor the right to undertake the necessary proceedings; that as the man had no money, he could not prosecute the case; and that, inasmuch as the expenses would exceed the amount in dispute, he had better drop it. Mr. Roosevelt said that as the man told his story, sitting in the offices of the legal aid society, he was an incipient anarchist.

Mr. Smith tells of another case which arose in Philadelphia. A wage earner had a claim for $10, which represented a week's work. On January 19, 1911, the legal aid society tried his case in the magistrate's court, and secured judgment. On February 8, 1911, the defendant appealed to the court of common pleas, which gave him the right to have the entire case tried all over again. On March 11, 1911, the plaintiff's claim was filed in the court of common pleas, and the case marked for the trial list. Owing to congested dockets, the case did not actually appear on a trial list until February 7, 1912. The wage earner's case, assigned for February 7, 1912, was not reached on that day, or the next, and so went off the list. It was re-marked and assigned for April 3, 1912. Not being reached on April 3 or 4, it again went off and did not reappear until October 10, 1912. Fortunately, it was reached and tried on October 10, 1912, and judgment entered for the plaintiff. It took one year and nine months and required eleven days in court for both attorney and client to collect the original $10.

Mr. Smith also tells of a case that he witnessed in the small claims court of Cleveland. "A typical case will reveal how this court works more clearly than any abstractions," he says. "One morning when I was privileged to sit with Judge Kramer on the bench of the small claims (conciliation) court in Cleveland, this little matter came up for adjudication. 'A' was unable to collect from 'B' his bill for $4 for pressing the suit of Mrs. 'B.' He went to the clerk of the small claims session, who, finding that the matter could not be directly adjusted over the telephone, had 'A' sign a simple statement which corresponded to copying the bill onto the court docket. On payment of fifty cents, which covered all costs, a summons was made out and deposited by the bailiff in the mail chute. This required 'B' to appear on the third following day, and on that day 'B' appeared. Instead of a formal calling of the case when it was reached, the judge merely asked Mr. 'A' to step to the bench. A few direct questions made it clear that Mr. 'A' had done the work, delivered the suit and had not been paid. Mr. 'B' was then asked if the work was imperfect, and why the bill was unpaid. He responded that when the suit was delivered, the man had insulted his wife, and had concluded with the flat statement, 'I pay no bill to a man who insults my wife.' The judge talked that over with Mr. 'A' and it appeared that 'A' did not deliver the suit, but that his boy did, and the boy, he admitted, 'was inclined to be a little fresh.' The judge thereupon suggested that Mr. 'A' go into the anteroom, telephone Mrs. 'B' and apologize for anything that might have been said. This 'A' did at once, and on his return a moment later was given judgment for the $4. 'B' took the money out of his pocket and paid 'A.' They shook hands. After saying, 'Thank you, judge,' they departed together in peace."

The establishment of the small claims court does not necessarily contemplate the organization of a separate court. The procedure of the small claims court can be provided for in our present courts. It does not, of course, mean to disregard the rules of the substantive law. It does not mean anything like that. It means simply a reform of the machinery for the administration of justice, and if the defect exists, I believe that the remedy may be easily applied. (Applause.)

THE PRESIDENT: In extension of the statement we have just heard from Mr. Hohfeld on the small claims court, we will now hear from Mr. A. A. Rosenshine.

Report on the Small Claims Court

Statement by ALBERT A. ROSENSHINE

MR. ROSENSHINE: Your Judiciary Committee has been requested to consider the question of possible reforms in our judicial system, especially in the light of the numerous suggestions embodied in the recent bulletin issued by the Carnegie Foundation for the Advancement of Teaching, entitled "Justice and the Poor," by Reginald Heber Smith. The committee has considered the question quite fully and now presents this report covering the small claims court. Courts of this character now exist in several states of the Union. They are considered at length in the publication referred to, and the conclusion there reached is that they are accomplishing substantial good in mitigating the feeling of dissatisfaction with our judicial system that is today too prevalent.

We are living in a period characterized by social and economic unrest. Industrial and social disturbances as well as anarchy and Bolshevism are being seriously considered by thinking men and women. Many remedies by legislation have been suggested to meet these evils, but most of the proposed legislation aims at suppression and punishment rather than at the removal of the causes of the conditions they seek to correct.

Freedom and equality of justice are the fundamental conceptions of American jurisprudence. To secure these rights the State itself exists. There can be no political, social, or economic equality, no true democracy unless it is always possible for the humblest to invoke the protection of the law through proper proceedings in court for any invasion of his rights by whomsoever attempted. In so far as any system fails to afford this protection by a proper proceeding available to all, it is a source of injustice, and as has been said "Nothing rankles more in the human heart than the feeling of injustice." It leads directly to contempt of law, disloyalty to the government, and plants the seeds of anarchy.

Living as we do under a system of law founded on the law of England, it is but natural that this should be so in the United States, for the whole history of the development of English law has been one long struggle for freedom and equality of justice. Beginning with Magna Charta we find "To none will we sell, to none deny or delay right or justice." The constitution of the United States provides "No State shall deny any person within its jurisdiction the equal protection of the laws," and the constitution of every State in the Union has a provision of like import.

There has been little criticism of substantive law (i. e. the law which creates, defines and regulates rights), but much of remedial law (i. e. that which prescribes the methods of enforcing rights or obtaining redress for wrongs). If the machinery of the law is not available as a practical thing for all, the administration of justice is not impartial and we have a grave cause of social unrest. This amounts to denial of justice to the poor. That justice is denied to the poor because of the inadequacy of the machinery we have provided for the administration of the laws seems to us to be most clear. The causes of this denial of justice are:

1. *Delay*—and delay might be illustrated by the example given by Mr. Hohfeld of the $10 claim which it took eighteen months to collect. It works to defeat justice in two ways: First, by making the time required to reduce a case to final judgment so long that persons, unable to wait, do not start the case at all but give it up; and second, by forcing unfair settlement and compromises on persons so situated either before suit is brought or in discount of a verdict after trial in exchange for a waiver of appeal.

2. *Court Costs and Fees.*—That has been illustrated, too, by Mr. Hohfeld.

3. *Expenses of Counsel.*—With reference to expenses of counsel, there are two phases of that question, the first phase being the inability of the man to pay because of the small amount involved, and the second the inability of the attorney to appear in too many cases for nothing. And I say this in all honesty and with a fixed conviction in my mind that among no group of men that I know in this community is there more done for nothing than the work which is done by the bar. It is impossible to demand more of many men, and therefore there must be some other scheme evolved in order to relieve them of those counsels' demands.

The following remedies have been suggested to meet these defects, and I will here simply enumerate them:

1. Small Claims Courts.
2. Conciliation Courts and Conciliation in General.
3. Arbitration by Courts and Other Organizations.
4. Domestic Relations Courts.
5. Administrative Tribunals.
6. Administrative Officials.
7. Assigned Counsel.
8. Defenders in Criminal Cases.
9. Legal Aid Organizations.

This report deals only with the first of these suggested remedies, namely, the small claims court. That there is a denial of justice to poor litigants, and that there is need for such legislation providing a simple machinery for the enforcement of small claims is sufficiently evidenced from the following facts:

1. In Boston during the year 1917, 551 cases on which it was necessary to begin suit came to the legal aid society and of these 129 or 23 per cent could not be tried, because the client could not pay costs. The legal aid society in Boston had no machinery whereby they could furnish costs. They would furnish counsel but not costs. Therefore 23 per cent of the cases which came there could not be tried.

2. It has been estimated that there are over 8,000,000 people in the United States who cannot afford to pay counsel.

3. In the English county courts in the year 1913, there were 1,224,000 cases entered. Of these 1,207,000 or over 98½ per cent were for sums under $100, the average claim being about $15.

Claims of this sort are often contemptuously spoken of as "petty litigation." But it is in this very field that the courts have their greatest political effect. In every urban community these are the cases of the large majority of citizens. As those citizens are treated well or ill, so they form their opinion of American judicial institutions.

As Dean Pound, of the Harvard law school, puts it:

"For ordinary causes our contentious system has great merit as a means of getting at the truth. But it is a denial of justice in small causes to drive litigants to employ lawyers, and it is a shame to drive them to legal aid societies to get as charity what the state should give as a right."

To remedy these evils we propose the establishment of a Small Claims Court which will accomplish the following:

1. Does away with costs.

2. Reduces delay to a minimum.

3. Does away with counsel and counsel fees, collection agencies and collection discounts.

4. Provides for simplicity and informality in pleading.

5. Makes possible the payment of a judgment in instalments. (That is a very important factor.)

6. Does away with appeal in most cases in that court. And to give you an example of that: In Oregon there were 1998 cases tried during the last year, and there were two appeals.

The legislation suggested is not an experiment. It has been tried in Cleveland, in Chicago, in three cities in Kansas, and in Portland, Oregon. The clerk of the latter court says in a letter dated February 18th, 1920, addressed to this Committee:

"In my opinion this court has more than accomplished its purpose. It was originally intended to be of assistance to the individuals holding small claims, giving them a chance to enforce payment without the necessity of dividing the amount with an attorney or collection agency. It has proved to be of great assistance to small debtors and creditors.

"Regarding any changes that might be made in the law as it stands in the State of Oregon: The judge who first conceived the idea of such a court has been hearing these cases since the law was passed in May, 1915, until the last month, when he resigned, and considers that every point is entirely and satisfactorily covered. The plaintiff and defendant are given equal chance to state their cases and the same consideration is shown by the judge in deciding for these small amounts as is shown in the cases in the district court. There being three district court judges they each sit as judges of the small claims court on two days of each week. As further indication of the success of this court, at the convening of the 1917 Legislature, the small claims court was extended to cover all counties in the State of Oregon. At the same time no changes were made in the wording of the act creating this court."

Your Committee believes that the proposed law will materially lessen the injustice done to the poor in litigation involving small amounts, and therefore suggests that this Club use its endeavors to cause the next Legislature of the State of California to enact a proposed statute that it has drawn:

Gentlemen, the proposed statute is long, and I shall not read it. I shall try to give you an epitome of the contents of each section as I go along.*

In the first section, which is to be Section 927 of the Code of Civil Procedure, it provides that all justices of the peace in the larger cities shall exercise this jurisdiction, and limits the jurisdiction to actions involving not exceeding $50.

It is then provided that the plaintiff goes to court and makes oath in the form described before the justice that the defendant owes him a certain amount of money, and there is a form of affidavit, too. The justice then fixes the time of hearing, which cannot be less than five nor more than ten days after the complaint has been made. A copy of the complaint or affidavit, together with the order, is then sent by registered mail, by the clerk or the justice, to the defendant, and, by the way, on that matter of service by mail, that is what the Industrial Accident Commission does now.

*See Appendix for text of proposed measure.

On the date fixed, both plaintiff and defendant are notified to bring with them their books or papers or any witnesses they desire to produce at the hearing. Then the justice makes the entries on the docket showing that these acts have been done.

The next section provides that no claim shall be filed or prosecuted in any small claims court by the assignee of such claim. In other words, that eliminates the collection agent.

The next section provides that no attorney at law, nor any person other than the plaintiff and defendant, shall take any part in the prosecution or defense of such litigation in the small claims court. The plaintiff and defendant merely go there and state their case. Furthermore, there is this provision, that the justice may also informally make any investigation of the controversy between the parties, either in or out of court, and give judgment and make such orders as to the time of payment or otherwise as may be by him deemed to be right and just.

The taking of evidence out of court and informally may seem revolutionary, but the efficacy of the scheme is largely dependent on it, and it works in other places, so it should work here.

There are no other formal pleadings whatsoever, and it also provides that there shall be no attachment or garnishment issuing out of the small claims court — use the present machinery if you want that.

If the judgment is against the defendant, the court may order him to pay it forthwith, or he may order it to be paid on such terms and conditions as the court shall prescribe, allowing a poor debtor to pay in weekly payments or monthly payments as the case may be.

The plaintiff having elected his remedy, or rather his method of endeavoring to make his collection through the small claims court, has no appeal from any judgment in the small claims court. If the case goes against the plaintiff, the plaintiff is through. The defendant, on the other hand, having been brought into this informal kind of tribunal, has a right of appeal. But his appeal can only be effected in case he furnished a bond in twice the amount of the judgment, and, in addition to that, agrees and his bond covers it, to pay the sum of $15 as attorney's fees, in case the plaintiff shall prevail in a higher court, that amount to be applied as an attorney's fee for the attorney for the plaintiff in that higher court.

As the result of that sort of rule in the State of Oregon there were, as I have stated to you, two appeals out of practically two thousand cases in a year.

There is also provided a method of levying execution on the judgment, and the method is that which we now have in the justice's court. It further provides and authorizes the board of supervisors of the

county to furnish the forms of blanks, etc., which are required and are fully set out. Lastly, it provides that there shall be no fee of any kind or nature in connection with the case of the plaintiff or that of the defendant.

We believe that the proposed bill will do much to relieve the evil which does exist. We regret very much we were not able to go out to the justice's clerk's office and go over two years of their files and ascertain the number of small claims that are filed here. But we did not have the time to do that, and we did not want to bother our good friend, Mr. Dennis, and ask him to do it for us. But I am certain that if we were to take the number of small claims, claims of under $50, we would find that this scheme would work out, and that it would accomplish a good work. (Applause.)

Report on the Public Defender

Statement by WM. H. GORRILL

MR. GORRILL: Mr. President and members of the Commonwealth Club: What I have to say will be in the nature of a tentative report of the sub-committee on Public Defender and Police Court Administration, which is a sub-committee of the general Judiciary Committee of the Club. This sub-committee was appointed quite lately, and for that and other reasons the report will be a short one. One of the other reasons is that the matter was thoroughly studied five years ago by the sub-committee on public defender of the Club's Section on Delinquency, and a careful report was prepared and presented by Mr. C. S. Tripler, the chairman of that sub-committee, at the Club meeting of February 10, 1915, and I would like to refer the members of the Club to that report. It is printed in Volume X of the Club's Transactions, at page 110; the discussion of the report appears at page 129, and a bibliography of the subject at page 146. A third reason for making tonight's report short is that the first public defender ever appointed in the United States is our guest, and I know you had rather hear about the practice of the matter from him than listen to the theory of it from our committee.

Our sub-committee was composed of Mr. Alden Ames, formerly attorney for the Legal Aid Society, and now one of the Assistant District Attorneys of this city and county. Mr. William E. Billings, the present attorney for the San Francisco Legal Aid Society; Mr. Augustin C. Keane, a member and secretary of the Adult Probation Board, who was a member of the sub-committee on Public Defender five years ago; Mr. R. Justin Miller, the executive officer of the State Commission of Immigration and Housing, and formerly District Attorney of Kings County, and Mr. John R. Selby, in addition to the chairman, Mr. Hohfeld, who was chairman of the Judiciary Committee, took part in most of our deliberations.

The office of public defender may be shortly defined as comprising a public official, salaried and with salaried assistants, who has at his disposal a fund for investigational purposes, who defends poor people, unable, on account of their condition, to secure counsel, in criminal cases. As the office is established in Los Angeles, the public defender also defends such poor people in small civil matters and in some civil matters acts for them when they are plaintiffs.

This is not a new idea, although in the United States it is a very new institution. I am reminded of a quaint conceit in "Life" some years ago, which pictured Methuselah's family, where Methuselah's sons

were represented as children in high-chairs and toddling around on the floor, but with the long white beards of men of extreme old age. This idea of the public defender is a baby with a long white beard, so far as this country is concerned. It was first definitely suggested here over a hundred years ago, and it has been tried for years in one form and another in various other countries — in Hungary, in Denmark, in the Argentine, in Belgium, and, in a slightly modified form, in Scotland and in France, where it is done through co-operation of the bar on a somewhat voluntary basis. But in the United States the first real public defender was appointed in Los Angeles County in 1914.

In Denmark there is a very interesting thing. In every criminal case the prosecutor and the defender are specially appointed for the particular case from a list of crown attorneys. I say that is especially interesting, because it seems to embody the theory that the interests and business of the state in a criminal prosecution is not merely to prosecute, but it is quite as much to find the truth; and they think the best way to find the truth is to appoint one man to get the truth out on one side, and another man to get the truth out on the other side. What they are interested in is to get a decision that is just, and the public's interest in justice warrants that it be done entirely at the public expense. The public defender idea has not gone that far in this country. It is an institution for the poor man. But in connection with what they do in Denmark, it is interesting to note that one of the judges of the superior court in Los Angeles county, who was at first, he says, opposed to the idea of the public defender, but is now enthusiastically in favor of it, has suggested that all persons accused of crime, whether poor or not, should be defended by the public defender here!

Our committee, after some study of this matter, has decided to make this recommendation: that it is desirable to have in California public defenders in the larger cities, to act in criminal matters for those who are unable to employ attorneys. Our committee has not yet come to a definite conclusion as to whether the public defender should act in civil matters. We have come to the conclusion that the public defender should act in all of the criminal courts, that is, that he should act not only in the superior courts where felonies are tried, but also in police courts and justice's courts where misdemeanors are tried, and where preliminary examinations in charges of felony are had.

There has been a good deal of theoretical opposition to the establishment of the office of public defender. Some of it is based on the idea that we should not afford criminals whom the state is engaged in prosecuting and putting in prison, a defense at the public expense. It must be said, in justice to the theoretical criticism that it was mostly made be-

fore we had much experience with it. The most notable opposition of this sort was the very elaborate report by the Law Reform Committee of the Association of the Bar of the City of New York. That report was made in January, 1915, shortly after the establishment of the office in Los Angeles, which was in 1914, when there was very little experience to base it upon, and where the committee were apparently very much more impressed with the theoretical objections of the district attorney of New York and of the district attorney of Kings county, than they were with such actual experience as was then available, and which was given in Mr. Wood's report to them. I will just briefly mention some of those—they are not all, but will give you some idea of what the objections have been.

The idea that the state should not be defending at the same time that it was prosecuting I have already referred to.

It has been said that the office is unnecessary because there is no reason to believe that any substantial number of innocent people are ever convicted. Judges were quoted who said that they did not know of anybody who was innocent who was ever convicted. Of course they didn't. What did the judge know about the innocent man's defense, if it had not been presented?

A very interesting objection was that of the district attorney of Kings county, New York, who said that the establishment of the office of public defender would probably result in many more pleas of not guilty. Exactly the contrary result has happened in the experience of Los Angeles with the public defender.

Another objection is that the system of assigned counsel is sufficient. The system of assigned counsel, as has already been said this evening, has entirely broken down.

Another objection is based on the idea that the prosecuting attorney always looks out for the interests of the accused; that he is a sort of impartial officer, and never does anything to convict anybody that ought not to be convicted. I understand that the then district attorney of an outside county, not very far from here, expressed himself as quite sure that there was no need for a public defender, because he never prosecuted anybody if he thought he was innocent.

Those are only samples. It is not a complete list of theoretical objections to the office. And the main answer to them all is, that we now know that it works and fills a need. It has worked and filled a need elsewhere; and it has worked and filled a need in California for six years. That is important for us, that it has worked here under our laws. And in that connection, it not only works, but it has got the enthusiastic support of the judges and peace officers who were distinctly opposed to

it when it was first proposed, and when it was first put into operation. In this connection an interesting thing happened to me this afternoon. When Mr. Wood and I were leaving the restaurant after a session of our committee, we met a deputy sheriff from Los Angeles county, a brother of Congressman Nolan of San Francisco. He told me that he was one of those who didn't take much stock in the idea of the public defender at first, but that he is enthusiastically in favor of it now. And in addition to that, as Mr. Wood will tell you, the district attorney down there is enthusiastically in favor of the office.

We have, then, judges who have seen it work, peace officers who have seen it work, district attorneys who have seen it work, who, after having seen it for six years, are in favor of it. It seems to us that that answers all the theoretical objections.

One of the principal good results to be obtained by the public defender is the fact that he can make an adequate investigation of the circumstances and facts that constitute a defense of one charged with crime. He has the money at his disposal to send investigators to, or bring witnesses from another part of the State, or even another State, a sort of thing that was not possible in the case of a poor man with assigned counsel.

Another good result of the office of public defender should be noticed. In Los Angeles, it has practically got rid of the police court shyster. For our present situation here, that is a consideration of great importance. If we could get rid of the police court shyster, I think you will all agree, a great deal of the rest of our troubles down at the Hall of Justice—or the Hall of Injustice, as our poor people call it—would disappear.

In 1915, at the time that the subject of public defender was before the Club, the matter had been put into the form of a bill that was before the Legislature. That bill was passed, but it was vetoed by pocket or other method by Governor Johnson. I understand that one of the reasons that was given was that there did not seem to be any public demand for it, that the Governor said: "You gentlemen in Los Angeles should go out and get a public demand for it, if you want a bill of that kind passed." I question whether that is a correct attitude to take as a reason for exercising a veto. It may be that the real reason was that the administration at that time had created a good many new offices and commissions, and had decided to slow down.

That matter of public demand reminds me of an experience I had a few weeks ago in Oakland. In the course of a little talk about justice for the poor before the women of the Oakland Center of the California Civic League, the audience broke into applause as soon as I mentioned

the subject of the public defender. They proved to be very much interested in the subject. So that if the present Governor or the present Legislature think it is a question of public demand, I think that public demand is present, either actively or easily capable of being aroused into being.

Finally, this matter of the public defender fits so well into our present plans for Americanization. Americanization is something we didn't hear about five years ago, and perhaps this is the only new thing we can add in our present discussion to what was brought out at the Club's discussion five years ago—that, and the fact of five years' additional experience. Mr. Rosenshine has already called attention to what the sense of injustice rankling in the poor man's breast will do for him, what it results in, in the form of attitude toward the Government. Now, if he can be relieved of his sense that he is being persecuted by the Government in the criminal courts, it will be one step in a sensible plan of Americanization. (Applause.)

THE PRESIDENT: We are very fortunate, indeed, in having with us this evening the first public defender in the United States, Mr. Walton J. Wood, of Los Angeles, who will now tell us about his six years of experience as a public defender. I present to you Mr. Wood.

Six Years of the Public Defender

Address by WALTON J. WOOD, Public Defender of Los Angeles County

MR. WOOD: The state of unrest which is so serious throughout the entire country makes the subject of justice for the poor extremely opportune. It can not be doubted that the nation is passing through a period of transition which is marked by a strong feeling of dissatisfaction on the part of many. We are fearful lest the turbulent spirit which has become destructive in some parts of Europe gather too much strength in America. In the midst of this condition the cry for justice, ever present in all nations, is becoming louder and more insistent on the part of the poor. Any discussion is beneficial which will point the way to legislation to provide means of securing justice for the poor; for such legislation will at the same time do much to dispel dissatisfaction and allay the spirit of unrest.

We hear much these days of democracy and are justly proud of our democratic institutions. No democracy can permanently endure, however, unless it strives with reasonable success to secure equal justice for all its citizens, the rich and the poor alike. That government will be most successful which creates among its citizens a feeling that justice is free and equal.

Our courts are established on the theory that justice is free, but it is free in name only. To present his case in court a litigant must not only pay court costs but he must expend a very considerable sum for the services of an attorney. Justice, therefore, must be purchased by those who are able to pay. To those who are not able to pay justice is often denied.

Perhaps I can best bring out the points I wish to make this evening by telling you of the lessons we have learned in the public defender's office in Los Angeles. Six years ago last January the office of public defender was established as a county office, the new county charter providing a lawyer for the poor in both criminal and civil matters. This office was the first of its kind created in the United States. Since that time a number of cities in the east have made provisions for similar offices.

Let me tell you of a few cases which have impressed upon us the great difference between the position of the rich man and the poor man in the criminal courts. Not long ago a young woman was sitting on the beach near Los Angeles with her two-year-old child. She was living in an apartment house and one of her fellow tenants had missed some jewelry. The other tenant suspected the young mother and swore to a complaint for her arrest. The officer who

served the warrant found the defendant playing with her baby in the sand. He seized the woman, turned her baby over to a woman bystander, and took her to the county jail, some twenty miles away, without allowing her to go to her apartment for a hat or wrap. Two days later we found the mother sobbing in the county jail, not worrying so much about the criminal charge against her but fearful for the fate of her baby of whom she had heard no word. We looked into the facts of her case and discovered that there was nothing more than suspicion against her. When we called the attention of the district attorney to the facts of this case he promptly had the complaint dismissed. A man named Duran was arrested in one of the outlying towns of the county on a felony complaint and taken to the county jail. At the time of his arrest his wife was ill and shortly thereafter she was removed to the county hospital. The prisoner was penniless and friendless, and was not informed of his wife's removal to the hospital. One day a letter reached him at the county jail which informed him that his wife had been dead for a week and that upon application to the hospital he would be shown where she had been buried. A farm laborer was working in his shirt sleeves in the Imperial Valley over a hundred miles away. The officer serving him with a warrant loaded him into an automobile and brought him to Los Angeles without giving him the opportunity of going to the farmhouse to get his coat, which was needed on the auto trip from the warm climate of Imperial over the mountains and into the much cooler climate of Los Angeles.

Now let me tell you of a few cases of rich men—men who are well known in Los Angeles. The mayor of the city was arrested about a year ago following an indictment by the grand jury. He was informed that the warrant for his arrest had been issued and at about eleven o'clock at night he went to the residence of one of the judges with the sureties on his bond. He did not see the inside of a jail. A millionaire living at one of the beach towns was arrested following an indictment, and he with his sureties drove in a limousine to the residence of one of the judges and his bond was approved. The proprietor of a large café was arrested shortly after midnight on a charge of assaulting another with a revolver in a saloon. Before daylight he was able to secure his release by getting in touch with a justice of the peace.

No criticism need be directed at the judges since their acts were only humane in approving the bonds after court hours. Jails are built to detain the guilty after conviction or to guarantee the appearance of defendants pending trial. But what a great difference

between the position of those poor people and of these rich people before the courts! It was easy for the rich to avoid the hardship of the jail but the poor only discovered that the jail walls were thick, that the sunlight never entered, that the air was musty and germ-laden and that the food was coarse. It is to represent people of this kind that the office of public defender was created.

I want to tell you of the conditions in the criminal courts and in the jail of Los Angeles before the advent of the public defender, since conditions there were characteristic of the conditions which still exist in most of the large cities of this country. The law provides for a public prosecutor with able, experienced assistants and a competent detective force, with the resources of the county treasury at his disposal, to prosecute the accused. The public demands vigorous prosecutions and as a general rule, without being fully informed of the facts, demands convictions. The prosecutor's hope for re-election, indeed his future career, depends upon his success in securing convictions.

It is a fundamental rule that the accused is presumed to be innocent until convicted by a jury. The law guarantees the defendant the right to counsel at all stages of the proceedings. Those who can pay for able counsel can enter upon their trials on an equal footing with the prosecution. They can employ investigators and experts.

The impecunious defendants, on the other hand, were at a great disadvantage. You may be surprised to learn that about one-third of the prisoners were in this class. The law provided that the judge should appoint an attorney to represent the defendant at the time of his arraignment in the superior court, generally some thirty days after his arrest. The appointed attorney was to serve without compensation of any kind. It was the custom of the court, as indeed it is the custom in most cities, to appoint youthful members of the bar as attorneys for these prisoners, young lawyers who were in court at the time of arraignment seeking to benefit themselves by the experience to be gained in conducting jury trials. Clearly no one could pretend that trials in such cases could be conducted on an equal basis. Surely no one could doubt that the prosecuting attorney, trained and accustomed to meet the most skillful criminal lawyers, had the advantage over the inexperienced appointed counsel. The condition of the penniless prisoner in jail and his fate in the hands of such an attorney were borne in mind by a noted judge in New York. Judge Wesley Howard of the Appellate Division of the Supreme Court, when he said:

"The poor man goes into prison, no matter how innocent, helpless and hopeless. He is the prey of the policeman, the captive of the jailer, the butt of other prisoners, a plaything of young lawyers. His protests of innocence are drowned by the ribald jeers of hardened criminals; he goes to court fettered to crooks and degenerates. He is brow-beaten until his heart sinks in despair."

In Los Angeles and in other cities which have created the office of public defender the youthful members of the bar are no longer enabled to gather experience at the expense of the defendants. The courts in all cases now appoint the public defender as attorney for the accused. In some instances the judges ask the defendants if they desire private counsel or the public defender, and in hundreds of cases in which prisoners have been given their option scarcely any have chosen private counsel. The attorneys in the public defender's office are paid the same salaries as the attorneys in the district attorney's office and are selected from the same civil service list.

While in numerous cases we have taken the place of the youthful appointed lawyer, in a still larger number of cases we have taken the place of an entirely different kind of lawyer, those individuals who are admitted to the bar and who disgrace their profession by soliciting business in the jails. The public knows them under the general term "shyster". One of the most unfortunate things in connection with the practice of criminal law is the activity of these disreputable attorneys who thwart justice while imposing upon the ignorant and helpless prisoners in the jails. I doubt if there is a large city in the country which is free from this scourge. Before the advent of the public defender in Los Angeles a number of these attorneys solicited the privilege of representing the defendants even though proper fees could not be paid. Their object was two-fold. Often they would promise to defend a penniless prisoner if he would in return urge other prisoners, who were able to pay, to engage their services. This gave them an entering wedge in the jail and enabled them to keep up a criminal practice. In most cases, however, they sought to secure funds from relatives and friends of the accused. Many cases have come to my attention in which these attorneys have lavishly promised freedom to prisoners if they could induce their relatives or friends to contribute the attorney's fee. They often represented that they had influence with the judge and other officials.

I recall one case in which a young man was arrested on a burglary charge. The evidence against him was overwhelming.

The defendant had a widowed sister working in an eastern city. At the request of one of these shysters he sent a telegram to his sister urging her to mail him the sum of $250. The sister took the telegram to an attorney in her home city who had heard of the public defender in Los Angeles and this attorney wired me to take charge of the case. I took the telegram to the jail and found the shyster talking with the prisoner. I showed the telegram and asked if I could be of service. That same day another telegram went to the sister in the following words: "Have seen Fleming's telegram. His help no good. The lawyer I have engaged has the power and influence I need." I looked up the records of the telegraph company and found that although this telegram was sent in the name of the defendant it was charged to the account of the lawyer. I am glad to state that this lawyer has since been disbarred from practice.

In other cases these "shysters" have abused the confidence of the defendants by asking for funds contrary to instructions. Quite often the prisoners, actuated by a sense of manhood, do not want their relatives involved and insist that they shall not be called upon for funds. The lawyers, however, succeeded in getting the names of relatives and friends ostensibly for the purpose of establishing that the prisoners previously had good records, to be taken into account by the court in passing upon applications for probation. As soon as the attorneys received from the prisoners lists of their relatives or friends they proceeded to appeal for funds for their own use. Manifestly, lawyers of this stamp could not present an able or conscientious defense. They would not hesitate to hoodwink the court if thereby they could secure the release of the defendants on probation with the object in view of receiving fees from the prisoners after they were released from jail. It is difficult to over-estimate the value of the services of the public defender in driving from the jail this class of disreputable attorneys.

I notice from the papers that here in San Francisco a problem has arisen over the activities of attorneys of the same general stamp as those I have mentioned and I have been asked what effect the establishment of the office of public defender might have in bringing about a better condition as regards such attorneys and their relations to certain officials. While it is true that prisoners with money would still be able to employ unscrupulous attorneys, it is also true that such attorneys would have a difficult time in carrying on their nefarious operations if they did not have an entering wedge in the jail enabling them to get into the good graces of the prisoners. Again, the public defender and his deputies would quickly become

very familiar with matters pertaining to the conduct of the jail and to lawyers of this class. His official position in the community and his means of keeping informed would operate to compel better conduct on the part of attorneys and officials who otherwise might be disposed to transgress.

No work that the public defender performs is more important than the representation of those who plead guilty. The newspapers in large cities inform the public of the great cases which come before the courts, but the large number of insignificant offenders, the bulk of them being charged with such crimes as burglary, grand larceny and embezzlement, pass through the courts without any knowledge on the part of the public. A large majority of the public defender's clients have pleaded guilty. Upon their pleas of guilty the judge faces the very difficult problem of passing upon their applications for probation. Lawyers serving without compensation were in the habit of neglecting the arduous work of investigating the facts concerning the commission of the offense for the purpose of presenting mitigating circumstances to the judge. No well informed person can doubt the advisability of the probation law. No one can doubt that in some cases probation should be promptly denied, and no one can doubt that in other cases probation should be promptly granted. Between these two extremes there are a large number of cases the outcome of which depends upon the conscientious and industrious investigation of the facts. Some of the prisoners, actuated by manly motives, want to conceal the names of their relatives, and especially do not want their mothers to be informed. The judge generally thinks that the concealment by the defendant of his identity means that he is trying to cover up a past criminal record. In numerous instances our office has saved prisoners from penitentiary sentences by explaining to them the advisability of disclosing their past records so that the court could grant them probation. The problem of crime is a problem of young men. Approximately fifty per cent of the prisoners represented by our office are under twenty-one years of age and only about twenty-five per cent are over thirty years of age. Clearly, an intelligent exercise of discretion on the part of the authorities will result in saving a large number of these young men for lives of useful citizenship.

The day before last Christmas a young man appeared for sentence before Judge Willis. He had previously pleaded guilty to attempted burglary and had informed the court that he did not want a lawyer but wanted to take his sentence. The court, however, in-

sisted that the public defender represent him and look into his case. We found that he had slept in the park at Pasadena for several nights but even in that mild climate the weather finally got too cold and he applied for a bed at the police station. The policeman searched his person and found in his possession a button-hook. The defendant was asked what he had been doing with the button-hook and he replied that he had gone to the rear door of one of the residences in the city and had tried to scratch open the lock on the screen porch for the purpose of entering to secure something to eat. The police had had no information of this offense but they at once sent for the lady who lived at the residence in question and she told them that the defendant had been seen trying to open the lock and that upon her crying out he had run away. The policeman then entered a felony charge against the defendant. When he finally appeared in court for sentence the judge expressed some surprise that in these days when work is plentiful the prisoner should be in such straits. His explanation, however, was entirely convincing. He was a recent arrival from an eastern state. He was weak physically and his face showed a low order of intelligence. While searching for work he was told that the only places where his services would be acceptable would be as laborer in grading camps or on a ranch and in all the employment offices where he applied for work they had told him it was necessary to have a roll of blankets. Having no blankets and his money being gone he was forced to sleep in the park. The public defender promptly told the court that he would secure both employment and blankets for the prisoner and the judge released him.

The work of securing employment for released prisoners, while strictly not legal, enters into the duties of the public defender in a most appealing manner. No prisoner has left the county jail of Los Angeles since the public defender's office was created who did not have a place where he could live until his income commenced. Work is plentiful at the present time but in the early years of our experience sometimes we met difficulties in finding employment. By the aid of individuals and organizations who take a humanitarian view of problems of this kind we have been able to secure employment for all. Surely a great deal of good can be accomplished by assisting in putting prisoners on their feet.

A young woman was serving time in the county jail for an offense committed in Long Beach, some twenty-two miles away. She had a baby which had been left in the care of her mother who was working in a cannery in Long Beach during the period of her imprisonment. At

the time of her release she did not have one penny to pay car fare to her home city. Clearly this girl should not have been turned out upon the streets a long way from her baby and her mother without providing her with the means of securing a meal or paying her car fare to her home. This case is an example of many in which the aid given, though not strictly legal, was nevertheless of great importance to the future welfare of the defendants.

In recent years most of the lawyers of the highest standing in the profession have devoted their time exclusively to civil practice, while the practice of criminal law has been left in the main to lawyers of lower standing. The general result is that the public has come to regard the practice of criminal law with suspicion. Lawyers themselves have failed to realize that the defense of human life and liberty is far more important than the defense of property interests. Since the practice of criminal law is mainly in the hands of lawyers of lower standing it can not be wondered at that the tactics so often employed in criminal cases are questionable; nor is it surprising that the prosecuting attorneys should "fight fire with fire" and in turn use methods which are not to be commended. In the case of People vs. Hail, 25 Cal. App. Rep. 342, the court used this language:

"In this case the district attorney's address to the jury fairly reeked with violent abuse of the defendant and other declarations unwarranted by the evidence or fairly within the bounds of the record or any theory reasonably deducible therefrom. * * * The cases are replete with severe arraignments of prosecuting officers for unfairness in the presentation of cases against persons accused of crime."

The methods of conducting criminal cases in Los Angeles have been raised to a higher plane since the establishment of the public defender's office. When the district attorney realized that the public defender did not propose to thwart justice but rather to co-operate with the court and prosecution in laying all the facts fairly before the court he was glad to meet him half way. Both offices realized that the purpose of the court and attorneys was to bring about only justice. The spirit of cordial co-operation was substituted for the spirit of bitter antagonism in the conduct of the public defender's cases in Los Angeles. During all of the last six years the public prosecuting attorney and the public defending attorney is Los Angeles have worked harmoniously.

Expert witnesses have long been the subject of adverse criticism on the part of the public and the bar. At the last annual convention of the California Bar Association the chairman of the committee on criminal law, in making a report on the subject of expert witnesses, stated: "The status of the law with reference to expert testimony has long been a

scandal." It had always been the practice for each side in a court contest to employ its own experts, each side selecting the expert most apt to give favorable testimony. The result was veritably a scandal, for the jury was asked to pass upon vital issues, sometimes of life and death, on biased and purchased testimony. The district attorney and the public defender in Los Angeles have long ago abolished this practice and they are now following the custom of asking the court to appoint the experts to serve in the case. The physicians thus appointed feel that they are in honor bound to give the most accurate and faithful opinions possible. The layman would be surprised to know the large percentage of defendants facing criminal charges who are mentally deranged. It is a very serious problem to discover the truth in regard to their mental and physical condition. In the cases in which our office appears the exact truth in matters of this kind is developed as nearly as is humanly possible.

So-called "technicalities" of the law have been instrumental in bringing the practice of criminal law into disrepute. The district attorney and the public defender have been able to dispense with technicalities in the conduct of criminal cases. Motions have not been presented in court except where substantial rights of the defendants were involved. Although we have handled over four hundred cases each year we have not taken an appeal during the last three years. If the defendant admits his guilt it is the established policy of the public defender to insist upon a plea of guilty.

Most unexpected of the results of the establishment of our office is the reduction in expense. No one had expected the new office to pay its way, but on the contrary the taxpayers were willing to pay the salaries of the public defender and his deputies for the purpose of having justice meted to the poor. We have made an accurate calculation of the time consumed by the public defender in the conduct of his cases and of the time consumed by attorneys in private practice, working during the same time and in the same courts, during the first three years of the existence of our office. During this period the public defender represented 955 defendants while other attorneys represented 1958 defendants in the two main criminal departments of the Superior Court. Approximately seventy per cent of the defendants represented by the public defender entered pleas of guilty while approximately forty-six per cent of the defendants represented by private counsel entered similar pleas. Trials were conducted in twenty-six per cent of the cases in which private counsel appeared and in only 19.5 per cent of the cases in which the public defender appeared. The average time occupied by the public defender for the trial of each case was .79 of one day while

private counsel occupied 1.64 days on an average for each trial. It has been estimated that it costs between two and three hundred dollars a day to conduct one of the departments of the Superior Court. It can be readily seen that the saving of the time of the court in these two items alone would more than pay for the services of an attorney in the department. The public defender also saves much time of the court and much expense by refraining from interposing demurrers and other motions which in many cases are based upon technicalities and are without merit. The expense saved in refraining from taking groundless appeals is another considerable item. I think it can be safely stated that the criminal department of the public defender's office has not caused any additional burden upon the taxpayers of Los Angeles county.

CIVIL CASES

Civil cases handled by the public defender are almost as important as the criminal cases. There is a very widespread and deep-rooted feeling on the part of a large number of people that our courts are only for the wealthy. Most of us have paid little attention to this feeling, safe in the knowledge that we could provide counsel for our own legal problems. No one could work long in the public defender's office without realizing that in large cities there are a great many people who have urgent need for redress in the courts yet find that the expense of litigation is more than they can bear. The doors of the courts are closed to them.

The laborer's small claim for wages is relatively more important to the claimant than is the suit of the capitalist to foreclose his mortgage, for it means in many cases food, clothing and shelter for his family. The workman who has labored upon a building is entitled to his lien to the same extent as is the great lumber company which furnished the materials. When the contractor gets into difficulties several days' time in the superior court is consumed in adjusting the intricate problems involved. In many cases if the laborers should give the sum of all their claims to the attorneys the total amount involved would not be sufficient to reimburse the attorneys for the time consumed in attending court. Our office filed suit in the superior court to foreclose a mechanic's lien for an old carpenter for the sum of ten dollars. The old man was rapidly failing with dropsy and this sum represented the last work he could ever expect to do. His remedy by the usual suit in the justice's court was valueless. Two days' time of the court were necessary to settle this claim, which was contested on a technicality. Clearly this old man was as much entitled to have his day in court as was the merchant with important litigation. It gave us much pleasure to win this case.

The average citizen would be surprised to learn how many people are willing to cheat the wage-earner of his due. I recall the case of an old man who lived in a large house and employed servants. One day a servant girl came into our office and told us she could not get her wages from her employer. We wrote to the old man, asking him if there was any reason why the claim should not be paid and he responded that the sum was due, that he was temporarily embarrassed financially but would soon pay the bill. A short time went by and another girl came in to recover her wages from the same man. We wrote him again and got the same kind of an answer. We then realized that this man was employing servants to do his work, knowing that he either could not or would not pay them. And then a gardener came in, a foreigner, with a claim against the same man for his wages. We brought suit but found that his property was in the name of someone else. We did not advise the gardener to do the thing which he did, but he went out with a gun and tried to kill the old fellow. The bullet went wrong and struck the housekeeper. The gardener was sentenced to twelve years in San Quentin.

Force of circumstances sometimes make it impossible for employers to pay when they do not intend to defraud their employees. We used to go to a little restaurant near the Hall of Records for our lunch but one day we found the restaurant closed with a sheriff's notice on the door. We got our lunch elsewhere and returned to our office and there found the waitresses whom we had expected to wait upon us waiting for us to assist them in recovering their wages. The law gave them the prior claim to the property attached but the few dollars which was due them would all have gone to a lawyer if there had not been available an office like ours to make out the legal papers. We have found that there are a great many instances of this kind, cases in which small sums for wages are justly due but which would be practically lost to the claimants if they had to pay attorney fees. Indeed, many applicants have asked us to assist them to secure their wages when they were entirely penniless and in some cases with families dependent upon them for support.

We are authorized by the county charter to commence actions for wages and like demands in sums not exceeding one hundred dollars. Notwithstanding this limitation we recovered during the last fiscal year in sums actually paid, or in chattels returned or judgments won, the sum of $19,635.12. The total number of claims accepted for adjustment was 1405, of which a majority were for labor performed.

Notwithstanding this large number of claims accepted we filed suit in only eighty-five cases. We were able to adjust most of the other

cases. A polite letter from our office, informing the defendant that the claim has been presented and inviting him to state his side of the case has resulted in the settlement of most of the claims. As a rule both parties are willing to accept our judgment.

We are authorized to defend in civil cases only when the defendant is being persecuted. Sometimes unscrupulous collection agencies levy illegal garnishments upon the wages of married men, well knowing that the wages are exempt. Even in the case of a grocery bill the law humanely allows the debtor one-half of his wages for the sustenance of his family while he is getting on his feet. It has been our policy to release one-half of the wages in such cases and at the same time arrange for the balance to be paid in regular instalments.

We do not have as many cases these days to defend on the ground of persecution as we did when we first opened the office. The unscrupulous collection agency, a certain kind of sewing machine agent and the loan shark, have all discovered that the poor will be protected if undue advantage is taken. Our office has been instrumental in relieving the poor from abuse by people of this kind.

The public defender's office in Los Angeles has opened the doors of the courts to the poor of the county. It has created a greater respect for and a more sincere allegiance to our government and our institutions. This service is doubtless of especial value at the present time. (Applause.)

Discussion by the Meeting

THE PRESIDENT: The subject of the evening is now open to discussion under the five-minute rule. But before opening it to general discussion, I would like to ask Mr. Billings, the attorney for the San Francisco Society for Legal Aid, to address us on the work of that society.

Remarks by William E. Billings

MR. BILLINGS: I am very glad to see so many ladies here this evening, because so many of our clients of the Legal Aid Society are ladies. The Legal Aid Society is designed to give assistance in civil matters to people who are unable to employ an attorney. And that does not mean merely the down-and-out, the flotsam and jetsam of life, but that large class of our fellow-citizens who, after they pay the necessary expenses of living, especially in these times of high prices, haven't enough over to employ an attorney to take care of their civil matters that require attention.

The Legal Aid Society of San Francisco came into existence in May of 1916, and since that time it has handled something like two thousand cases; that is, there have been about two thousand people who have come to us for legal assistance. That is not nearly as many people as we would like to have aided. According to statistics in San Francisco, there are about seven thousand people here who would need the assistance of the Legal Aid Society. But with our limited equipment, and considering the fact that we have only been able to employ an attorney for a portion of the time, we have handled as many cases as we could handle; and we have not been able to go out after the work, we have not been able to advertise our work for fear that we would have more applicants than we could attend to.

As Mr. Hohfeld said at the beginning, Mr. Smith, in his monumental work on "Court Justice and the Poor," which is largely devoted to legal aid societies, says that the legal aid society has done more than any other agency to bring justice to the poor in the matter of giving them legal advice. And in that connection, it has done much to alleviate the social unrest that is particularly prevalent in the large cities today.

The best way to get at the work of the Legal Aid Society is to consider some of the typical cases that come before us for consideration. Today a lady came to the society, bringing a paper that had been served upon her by the attorney for her husband, summoning her into court to appear and show cause why the alimony that had been awarded her in the divorce case that had been heard should not be reduced. The husband was represented by an attorney, but she had no funds to appear

in court to meet that contention. Her former attorney advised her that he could not represent her, because he would require a fee to do that. And rightly, for he is a busy man, and he could not be expected to go into court without being paid for his time. So she came to us for consideration, and we will appear in court and will show that the amount should not be reduced, that the circumstances of her children demand that the claim, rather than being reduced, should be increased. That is one of the type of cases that come to us for consideration.

A Greek came to us not long ago, who had suffered lead poisoning some two years ago. His case came before the Industrial Accident Commission, and was heard in the first instance without any representation on his part by an attorney, and a certain award was made. Afterwards he developed a sort of insanity, and was sent to the insane asylum at Stockton, and was there for something over a year. He came to us, and the question came up as to whether this insanity was caused by the lead poisoning. It involved a great deal of investigation. We presented the case before the commission, had proper medical experts brought to show that this insanity was caused by the lead poisoning, and we believe that we have presented the case in such a way that a substantial increase in the award will be made. Had we not taken up this case, probably he would have got nothing further in the way of award than was paid to him in the first instance. And if we succeed in this it will cause a great deal of satisfaction, not only to himself but to a great many of his fellow citizens of the same native land.

The Legal Aid Society was first organized to take care of poor people among the foreigners whose rights are trespassed upon by various people, and who did not have an opportunity, without legal advice, to have their rights protected. With us, the bill that provided for the Housing and Immigration Commission states, among other things, that it shall be incumbent upon the officers of that Commission to encourage the establishment of legal aid societies, and it was due to Mr. Bell, Executive Secretary at that time, that this organization, the Legal Aid Society of San Francisco, was established—in which work, I should say, he was aided by certain lawyers and judges of the city. The Legal Aid Society has grown from simply handling the cases of immigrants to the broader aspect of handling the cases of the poor people who are unable to have an attorney in civil matters.

Mr. Reginald Heber Smith, in his work that has been referred to, "Justice and the Poor," has this to say, and I think I cannot use better language in closing, than in quoting what he said with reference to the general subject of the work that is done by legal aid societies. This is his language:

"The final test of any organization lies in its accomplishment. This challenge the legal aid organizations are not afraid to meet. To make a compact presentation of the work that has been done, one is necessarily driven to the use of statistics. But it should be remembered that figures, however great, are incapable of portraying results in terms of human happiness and welfare. An idea of this larger benefit can be obtained to a limited extent by examining the individual cases that are presented in the reports of the legal aid organizations. These, if collected, would fill several volumes, and still they would represent only an infinitesimal part of the good which has been achieved. This human side of the work, the splendid efforts that have been made, the encouragement, comfort, and help which have been brought to those in trouble, the far reaching effect of this practical ministration in accordance with the American ideal of justice and fair play—such things will never be presented in their full force until there appears a Dickens to write a twentieth century version of 'Bleak House,' or a Hugo to depict the struggles of a modern Jean Valjean."

As I said, we are attempting in the Legal Aid Society to alleviate the sufferings of the poor in this respect, and we believe that the City of San Francisco will give sufficient encouragement to the work, when the people know what we are doing, to enable us to branch out and not only aid the two thousand people that we have aided, but enable us to aid the seven or eight thousand people who annually need the aid of this society. (Applause.)

Remarks by Edward F. Adams

MR. ADAMS: Before the discussion ends, Mr. President, I would like to ask Mr. Wood a question, for my own satisfaction. I think it is fairly well answered by what he has said, but I would like it to be just a little more explicit. As a public defender, what is your conception of your legal duty, to get the prisoner off or to see that justice is done? In other words, if you know a man to be guilty, and yet there has been some informality in the procedure which could be made use of to postpone, at any rate, the penalty, what would you do in such a case, according to your conception of your public duty?

Remarks by Walton J. Wood

MR. WOOD: I thought I had covered that. I don't see how anybody could answer that but in one way.

MR. ADAMS: I think I got your answer by your discussion of the matter, but I wanted to have it brought a little more clearly here.

MR. WOOD: I have letters from every judge before whom we have practiced. Judge Willis is one of the two judges handling practically all of the criminal cases in the county. And he says, in effect, that he

finds that, instead of the ordinary method of defendant's attorneys trying to secure an acquittal by any and all kinds of argument and methods, legitimate or otherwise, the public defender is trying at all times to lay the exact facts before the jury, and trying to secure only such a verdict as the facts of the case will warrant; and that it has been a great saving to the county in the matter of expenses, and has usually been productive of a more fair and impersonal administration of justice than the method in vogue where the defendant is represented by private attorneys. And let me add this, that I have never asked any jury to acquit anybody that I know to be guilty. There have been, however, very few of the thousands of cases we have handled, where we have had defendants expect us to put up a fight for them after they have told us they were guilty. When such a thing has occurred, they have at once been told they had better plead guilty if they expected to have any aid from us. (Applause.)

MR. ADAMS: That is what I wanted to bring out in concrete form.

Remarks by Robert W. Dennis

MR. DENNIS: I would like to ask Mr. Hohfeld a question about the delay in the courts that he has been talking about this evening, and the costs, too, under the present system, and whether or not the justice's courts of the city and county of San Francisco are now doing what the public defender is doing. In civil matters it appears to me that we are doing all of that work in the justice's courts of the city of San Francisco right now. We have ten or twelve thousand suits a year filed in San Francisco, and all the supplemental proceedings included therein.

MR. HOHFELD: I was including nothing but the small claims, $10, $15, and $20 claims, where to start a case in the justice's court you have to pay, I believe it is $2.

MR. DENNIS: Two dollars for filing the complaint.

Remarks by Edward Hohfeld

MR. HOHFELD: And then there is the service of summons by a disinterested party; and then there is a fee of $3 for trying the action, and then if the plaintiff has a witness or two to have come to court, he must pay them $2 and mileage—

MR. DENNIS: The witness fee is $1 in the justice's court.

MR. HOHFELD: Very well, I stand corrected on that, and there are added the mileage fees, and there may be continuances, though not very often in the justice's court; I think usually a case is tried when it is called. But there might be, from the exigencies of the calendar, a

continuance or continuances granted, where the man, if he is a laboring man, has to stay away from his work. Then if he gets judgment there is the appeal—and then of course he has to employ an attorney.

Remarks by Robert W. Dennis

MR. DENNIS: In that connection I want to say that, no matter who the man is in the city and county of San Francisco, if he does not want to employ an attorney, we take care of him, and the judges of our justice's court take care of the matter, and it does not cost him a cent. They try the case and protect him, and he never has to do that. In fact, we have sometimes been called down by some of our attorneys here for not seeing to it that the attorneys get a chance at this, for they need to eat like everybody else. You know the demurrer was practically knocked out of the justice's court action, and our courts act promptly. It is the attorney who gets the case put over if it is not heard promptly.

Remarks by Edward Hohfeld

MR. HOHFELD: That is why we want to abolish the attorneys in these small claims matters, and don't you think that we are a very public spirited body in so doing? We want to abolish ourselves to a certain extent. Then, when it passes from the justice's court to the superior court, we have a $6 filing fee there, and a trial fee besides.

MR. DENNIS: That makes $9.

MR. HOHFELD: And there are the witness fees in the superior court, and there I think the fee is $2 and the mileage, and there are the attorney's fees. I think that $10 or $15 is very easily used up by this time. Of course, it may be that there are certain ameliorating circumstances in certain cases—I don't doubt it. But it seems to me that those are the outstanding features. On the other hand, there is no necessity for such an elaborate proceeding. Of course, I admit that there may be a legitimate and honest difference of opinion on these matters—there usually is. But it seems to me in a small claim, such as we are here discussing, what we want is a speedy determination of it, with very simple and informal procedure. It seems to me that a laboring man who has a claim for wages should be able to go to the clerk of the court and state his claim, state the facts to the clerk, and have a notice put in the mail chute by the clerk to the defendant, and have him summoned to the office, with the penalty that if he does not come, judgment will go against him; and have them then tell their story and have a very speedy and informal hearing and judgment rendered, without the aid of counsel, in such form as may meet the exigencies of the case.

Remarks by Robert W. Dennis

MR. DENNIS: Do you know that right at the present time the justice's courts are not self-sustaining on account of the low fees?

MR. HOHFELD: You are better informed on that subject, and I would rather you would make the statement.

MR. DENNIS: They are not at the present time, with the amount of business that they have before them. Sometimes in stockholders' liability cases, for instance, with one hundred and fifty or two hundred parties to a case, they will only pay $5.65 for all the work that is involved, and it is not the fault of the judges if it does not work out, as it stands at the present time. Our judges will give you a speedy trial if you desire it. We will give you anything you want. For the last fifteen years we have been going up to the Legislature and trying to modify and simplify those things and we have had no assistance from the attorneys throughout the state. As a past Governor of the State said, will say, "A man must eat."

MR. HOHFELD: I am sure we were not intending to criticise the clerk or the justices of the peace in this city and county.

Remarks by Charles Raas

MR. RAAS: In the case of a man asking for his wages, isn't that matter handled by the Labor Commissioner?

MR. HOHFELD: Why, yes, to a certain extent.

MR. RAAS: Then what would the court you refer to have to do with it,

MR. BILLINGS: The Labor Commissioner has no power to adjudicate or bind the parties in that way.

MR. RAAS: But the demand is filed, and the only thing you have to do is to pay it.

MR. BILLINGS: The Labor Commissioner cannot enforce his ruling.

Remarks by Charles C. Boynton

MR. BOYNTON: There is much making for good in the bill before us. But if this is good for the poor, why isn't it good for all the people? A number of years ago President Wheeler of the University of California spoke of some studies he had been making of democratic government in China, and of the villages in the interior of China. The particular point was that the big functionary of the Chinese village is known as the "peace talker." The functions of the peace talker are, when two Chinese or two Chinese families have a controversy, instead of going

before a court, they take the controversy to the peace talker. He has no coercive powers, such as our judges have. His functions are to bring out the qualities of justice and right doing in the respective parties and to send them out friends. The official who does that has proved so successful that he has become and is throughout the villages of China the chief functionary of each village.

Compare that method of settling disputes with our method of litigation. Commence a suit against a man and contemplate the troop of enmities and resentments that come trailing down through the lives of the parties. When I contrast the fruits of our method with those of the peace talker, who brings about kindly feeling, I am led to inquire as to what is the end and purpose of civilization—is it hatred and enmities or good will?

Considerations of that kind set me to investigating. I found that something like two hundred years ago or over, a king in Denmark promulgated a rule that for a certain character of cases he would appoint conciliators, and that before a man should be permitted to sue his neighbor, he would be required to submit the matter to a conciliator. The functions of the conciliator were to endeavor to bring about harmony and good will between the parties, and in no sense coercive. In case of non-success, the parties were permitted to fight it out in the courts.

That has been going on in Denmark and in Norway for over two hundred years, and history shows that of the cases brought before the conciliator, only twenty per cent ever result in a lawsuit. That is to say, four-fifths of the cases are settled by the conciliator.

Now, that is applying the same principle cited by Mr. Hohfeld as is utilized in the small claims court in Cleveland to all classes of cases. And I was talking to a superior judge the other day about the settlement of cases, and this judge has made it a study—he said, "The trouble with settling cases, when a man once commences a suit against another, is that feeling has been aroused, and it is practically impossible to adjust it then.

THE PRESIDENT: Your time is up.

MR. BOYNTON: If I may have just one or two moments, I will close my remarks. There is a principle lying back of this, and it is a principle that I think we will readily recognize, and of which the state should take cognizance: A man brings a suit against his fellow man and charges him with wrong-doing. If you charge a man with evil-doing, you bring out all the evil qualities in his nature, and he resists. He resents being charged with evil and being coerced into doing right. And this procedure of courts of justice as we have them now is taking the common sense out of any situation right at the outset, it is bringing

out the evil qualities in the human creature. Thus, before the state gives official sanction to this bringing out of the evil qualities, the state should, in the first instance, take a common sense view of the good of mankind, and appoint a conciliator and announce the rule that before a man shall be permitted to sue his fellow man, to charge him with wrong-doing publicly and summon him to be coerced into doing right, he should invite that man before a conciliator with no coercive powers, simply to appeal to his sense of right and justice, and have the sense of right and justice on both sides brought to the fore. There, it seems to me, is a sound principle—that the state in the first instance take cognizance of the good qualities that inhere in man and demand that those qualities have a chance before resorting to coerce a man for the evil that may be in him.

Remarks by Alden Ames

MR. AMES: Mr. President, I desire to say a few words in connection with what Mr. Dennis has just said. In the first place, I want to agree with everything that he said—I agree that Mr. Dennis and his courteous assistants and the justices of the peace do everything in their power to help out the poor man that goes to their court, and, wherever it is within their power to give him a quick and speedy and just trial, they do it. The fault is not there. The fault is in the procedure that he must go through in the justice's court. On the part of the defendant in a justice's court, his procedure is exceedingly simple. Even if he knows nothing about it at all, all he has to do is to go to one of Mr. Dennis' assistants and he is told how to proceed and the case goes to trial as quickly as is possible under our cumbersome procedure. But the plaintiff, on the other hand, has to file a somewhat complicated complaint that only a lawyer knows how to prepare. He has, in a great majority of cases, to employ an attorney to do this. Then the defendant has to meet the complaint and prepare his defense in the same manner. We are led through the meshes of the demurrer and all that sort of thing, which Mr. Dennis has so properly indicated should be absolutely abolished.

It does not seem to me that the suggestion of the small claims court is in the slightest sense a reflection upon the justice's clerk or the justices of the peace. You will note that what is provided in that bill is to enlarge the jurisdiction of the particular judges so that they can handle small claims in a speedy manner. It does away with complaint and demurrer and answer, and everything of that sort.

I speak from experience, as having been connected with the Legal Aid Society before Mr. Billings, and I know of the thousands and

thousands of cases that involve small amounts of money, and by "small amounts of money" I mean $2 or $3 or $10, $15, and perhaps up to $25. Claims of this size must now go through the cumbersome procedure which is provided before the justice's court. In such cases litigants simply throw up their hands in despair and can't do it. It seems to me that the suggestion of enlarging the jurisdiction of the present justices of the peace, together with the abolition of all this cumbersome procedure, is just exactly what is needed to round out the present handling of cases by the very worthy justices.

Remarks by Courtney L. Moore

MR. MOORE: May I be permitted to ask several questions through the chair?

THE PRESIDENT: Certainly.

MR. MOORE: I would like to know, first, if the public defender in Los Angeles defends all criminal cases and misdemeanor cases, in the first place. Secondly, what system do you employ in Los Angeles with reference to bail for offenders. And, thirdly, what methods the defender has used in eliminating the runners or attaches of the police court, if any.

Remarks by Walton J. Wood

MR. WOOD: The law tells us to defend in the superior court. It may be a misdemeanor, though nearly all of them are necessarily felonies. In such cases as those of failure to provide, they may be either felony or misdemeanor.

MR. MOORE: I understood that about two years ago the defender had been given jurisdiction to defend all cases in the police court.

MR. WOOD: That is a separate office. The city council created the office of city police court defender, and I have nothing to do with it. He is supposed to represent only those appearing before the police court who are unable to pay, while I take those in the same condition in the superior court. So far as the matter of bail is concerned, the law provides that either cash bail or the ordinary property bail can be put up. However, we do not have very many straw bail bonds down there. We have had a few, in years gone by, but they have been very few. I don't think there is anybody there in the business of putting up bonds. But as to the methods taken to eliminate the shysters—they have simply died off, most of them. They used to thrive on those cases. Suppose a man would come in there without any money and could not pay for an attorney, and yet it looked like a probation case. The attorney would get a promissory note from the fellow and get him in that

way, or the prisoner could be the means of his getting somebody else as a client. Since we have come there, the jailers and sheriff and policemen all urge the prisoners to get the public defender. We always have a number of prisoners on hand when a new prisoner comes in, and it is found that everybody speaks a good word for the public defender; so the new man prefers to have the public defender if he is not able to pay an attorney. It is true that some of these fellows do now once in a while get hold of a prisoner, and perhaps they may try to poison the mind of the prisoner against the public defender. But they don't get very far with it.

Remarks by Henry E. Monroe

MR. MONROE: I dislike to say anything on this subject, Mr. President, because, from reading the minutes of the last meeting, I see you are put down as a pro or a con, and I don't want to be put down in either one of those categories. But I would like to call the attention of the Club to this fact, and that is, that we are asked to have more legislation, to correct what? To correct an evil that we ourselves have created. It seems to me it is much the same principle as though a man tied up one leg, and upon finding that he limped, tied up the other leg so he could walk on his knees without limping.

We are asked to do what? To create the office of public defender to protect, forsooth, the innocent man from the tremendous instrument of oppression which we have created which is bound on sending him to jail. Now, if the public prosecutor, instead of being as he has become in far too many cases, a private persecutor, recognized the character of his office and the really solemn duty that is placed upon him not to prosecute the innocent, not to endeavor to send the innocent little fellow to jail in order that he might make a record for himself, and should only attempt to prosecute the man that in his honest conviction he believes guilty; if the public prosecutor were looking out for the rights of the innocent as well as prosecuting the guilty; then we would have no need for a public defender.

And just look you what a tremendous power that man would have in both ways. If he were known to be impartial, to be one who would stand up before a jury in court and tell them the result of his investigation and present the case fairly, weigh the evidence, present the argument for the defense as well as for the prosecution, the jury would listen to him and he would be looked to for aid and assistance.

Why, it seems to me we might just as well put two judges upon the bench to hear a case, one man to interpret the law for the prosecution

and the other man to interpret the law for the defense, as to have two public officers, one to prosecute and the other to defend.

Mr. Wood says that the public prosecutor looks for convictions, because his record depends upon his convictions. In one minute we are pictured as a blood-thirsty, cruel people, demanding the blood of our victims and only supporting the public prosecutor if he gets results, that is, convictions; and in the next breath we are appealed to as humanitarians, looking out for the rights of the downtrodden and persecuted, and to both elect and pay for a public defender to protect these men from this Moloch that we have created. It seems to me that that is an absolute absurdity. The American people are too prone, when they think something has gone wrong, not to study their institutions and find out whether they have made a mistake and correct that mistake logically, to correct it by going back and undoing the wrong, but to rush to the legislature and have more laws passed, and then forget all about what they have done. Let us study our institutions and find out whether there isn't something fundamentally wrong in some of them, instead of trying to put more laws on the statute books.

Exactly the same principle applies in regard to the legal aid societies. I venture to say, gentlemen, that fifty per cent of the cases that come before the legal aid societies are there because someone has been persecuting them under the guise of the law. And who are the people that do it? Every lawyer admitted to the bar takes a solemn oath that he will take no case he does not believe to be just. How many of them live up to it? The bar is trying to purge its ranks, and we have a very recent illustration of the success which we meet—two men convicted of crime and yet they could not be disbarred because, forsooth, they are appealing to the higher court. In the meantime they have license to practice upon their fellow men. We have today down in our police court a man sitting there going through the farce of trying cases and dispensing justice, who is answering to an indictment for malfeasance and bribery and corruption in the very office that he is now assuming to fill. And the fine courtesy of one member of the bench to another. He rushes through the proceeding that is before his court in order that the august judge under indictment may go into his own court and, with his immaculate robes of ermine pulled around him, sit upon the rights of his fellow men! It seems to me that such things are a disgrace to a civilized nation.

And I repeat, let us study our institutions and see whether we haven't something wrong that needs remedying instead of making more laws.

Remarks by Alden Ames

MR. AMES: I apologize for speaking again, but I cannot sit still under what Mr. Monroe has just said. I can see from his attitude that he has not been a public prosecutor. I can also see perfectly plainly that he is a splendid advocate. And before going further, I want to say that Judge Brady, the present District Attorney, in his first order to his assistants, when they took office, said, "Boys, I am not in this office for the purpose of making a record of the number of prosecutions or convictions at all. That is not our proper function. I want you to remember that."

Mr. Monroe has said that if the public prosecutor did his duty, there would be no need of the public defender. I beg to differ with him, and radically so. In the first place, the attitude of the public prosecutor is as an advocate on behalf of the state, to prosecute a man about whom they have information that he is guilty of some crime. The case, as a rule, is shoved at him by a number of people who are very ardently of the opinion that this man is guilty. He has that side of the case, and he hasn't the time or the money or the means of fully investigating that case. He has got to go ahead with the material that he has there, whether he will or no. Of course, if he should have the time and means to investigate the case and the facts as presented to him show that the man was perhaps not guilty, he would not be doing his duty by proceeding with that prosecution, if he should so determine. When we believe that a man is innocent, we dismiss the case, and we do a great deal of dismissing before the case is ever brought into court.

I simply want to say that Mr. Monroe's point of view is that of a person who has never had the practical experience necessary on this question, and that there is need for a public defender is patent, and made so by the condition of affairs at the Hall of Justice today, if for no other reason.

Remarks by Justice of the Peace James G. Conlan

MR. CONLAN: Mr. Chairman, I would like to address myself briefly to the question of the court of small claims. I perhaps speak with some little experience, having been on the justice's bench here for the last ten years. I recall that ten years ago, when I first ran for the office, I stated to the Bar Association that if I was elected, I would do what I could to help conditions in the justice's court. A short time after that I went to Los Angeles and had a talk with Judge Sidney N. Reeve, who is now a judge of the superior court there, and also with Judge Stephens, who has recently been appointed a superior judge by the Governor. After this consultation, we prepared a number of bills

and went to the legislature. I was left there to handle the bills. It was about the time that Mr. Bryan came to Sacramento and considerable time was taken up with a consideration of the Japanese question, so a good many bills were lost in the shuffle. We endeavored at that time to abolish the demurrer, and also to have notices of judgment sent out by mail. The latter bill was afterwards passed, and also a bill to force the justices of the peace to decide their cases within thirty days.

But to the point: At that time we had quite a talk over the matter of small claims, and the matter was quite thoroughly considered. I want to say that I am entirely in accord with the work that has been done by your committee here, and with the bill that they are promulgating. One can readily understand the complaints, after sitting as judge, after an experience covering a number of years, and having hundreds of people yearly calling upon you, telling you about their troubles and wondering why they have to go through the different delays. These complaints are caused principally, according to my experience, not by the attorneys, but by the busy business men who are either witnesses or litigants and too busy to attend trials when set. After such an experience, I say, one can easily make up his mind that there is something wrong about the system. If there is any way to cure the unrest, this spirit of Bolshevism that will naturally spring up with poor litigants, you certainly know that the first thing needed is a speedy trial, and you want it so fixed that they can have a speedy trial with the same dignity as the richer man in the superior court can have.

I think, Mr. President, that we should go further, and that we should put all of the lower court judges on the same plane as the judges of the superior court, so that the ordinary case, whether it be a case involving $10 or $25 or $50 can have the same attention as superior court cases. Speaking of the small cases, there are many of them cases in which perhaps two business men are wrangling over some bill. In those cases if a judge makes a mistake, it doesn't amount to much, but there are many cases in which the $5 or $10 or $15 involved means everything to the litigant, and they have no speedy way of pressing their claim. Of course, under our law, they can file a bill and proceed in the usual manner, or they can come into court with what we call the pauper's oath and proceed without funds, but as a general thing they do not know that, and of course they go here, there and everywhere for advice. That often leads to their innocently trying to look up somebody who knows and is on friendly terms with the judge. I am saying that seriously and you know how much of that there used to be. We finally stopped that. Of course, it may have been poor politics, and I suppose it was, but that has been stopped entirely. All the cases have

been handled as speedily as possible. I have in the last ten years decided at least ninety-eight per cent of the cases, I suppose, from the bench. Of course there are other cases that require investigation and upon which the law has to be looked up.

I see my time is up, but I do want to say that I heartily agree with the proposed bill. I believe the public should be educated to the fact that you need judges who are sufficiently qualified to carry out the purposes of the law, that you should have those courts run in the same manner as the superior court, and not have a judge, even if he is a justice of the peace, acting as bailiff, jury, stenographer and clerk.

The person with a small claim is entitled to the same consideration in a court of justice as the person with a large claim. If all small cases could be tried informally by competent and considerate judges in a court conducted with such a dignity as to enable those judges to ascertain all the facts, and then render substantial justice with dispatch, the feeling of the poor litigant that he is denied the protection the law should give him would be eliminated. Judges of the so-called lower courts should be men of the same ability, capacity and compass of mind, and should have the same facilities with which to work as the judges of the higher courts. (Applause.)

Remarks by R. Justin Miller

MR. MILLER: Four years experience as a district attorney convinced me of the necessity for a public defender, The cases which appeal to me and which emphasize this need are not only those in which innocent men are sent to jail, but where they are taken advatage of by other parties in the process or the investigation and trial. If the prisoner at the bar had only the district attorney to look out for he would be lucky. In a case of this type that came under my observation, a young fellow was charged with grand larceny and he was put into jail. It was his first offense and after the probation officer, the sheriff and I had talked it over we had just about decided to recommend that the man be discharged. The prisoner's mother in the meantime became very much agitated and hired an attorney of the shyster variety to defend him. She had come first to us but had lost confidence in us and then went over and hired the shyster. If he had been a little less greedy he would no doubt have made his fee. As it was he demanded that she sign a note for $1200.00 and a mortgage on her home. He had almost prevailed upon her to turn over to him all that she had in the world. Again she came back to see me and told me of the status of her affairs. I moved for the dismissal of the charge, the boy was freed and the

shyster was beaten out of the $1200.00. By the rarest kind of a chance the district attorney prevented the extortion. The presence of a public defender would have made extortion impossible.

I recall another case in which two men, one the complaining witness and one a well known interpreter, came into my office asking to have a fellow countryman arrested for cattle stealing. They were very vehement in their charges. I prepared the complaint and all was ready for action. At the preliminary hearing they came in and said that they didn't care to appear against the defendant at all, that they had decided that a mistake had been made. We had no other alternative than to turn him loose. Several months later I found that the defendant had turned over to them a lot of cattle worth $2000, in order to purchase his release.

A third case is one which occurred in one of the larger cities of California, and this was a case of an immigrant who appeared as a complaining witness. This man had come to my office beforehand and told me of his conviction, that the courts of California did not give fair and exact justice to immigrants residing here. He asked me to go with him to court. He told me about another case in which he had appeared as a witness and had antagonized the police officers. He stated that he had been brutally assaulted, that he was convinced that the assault had been made with the knowledge of the police and that his assailant would be freed without punishment. I went in and I was there entirely unknown to anyone. All the evidence that was presented showed that an assault had actually been committed upon this man. After this evidence was in, a police officer went up and whispered to the judge, took him off to one side. He was not sworn to testify, the evidence was not given in regular manner, but when he got through, although the case had been proven definitely against the defendant, the charge was dismissed, and the defendant walked out of court. In that case I repeat the immigrant had told me beforehand of his fear that justice would not be fairly rendered, and that is the opinion of many immigrants regarding the administration of justice in the courts of this country.

All of these instances show the existence of conditions in the police courts and justice's courts that demonstrate the need of a public defender. You will notice that in the cases which I have cited, the defendant has on occasion been taken advantage of by his attorney, by the complaining witness, by an interpreter, by the police officers, and by the judge himself. In each case the presence of a public defender would have prevented imposition and would have resulted in a more adequate and dignified administration of justice.

Remarks by J. H. McDonough

MR. MCDONOUGH: Mr. Wood has mentioned the collection of wage claims by his office. I should like to ask him if there is not a State Labor Bureau which has as one of its functions the collection of these claims when amounts are withheld for any reason by an employer.

MR. WOOD: They did attempt to so act but the exercise of such powers has been ruled as beyond their authority. They can proceed only through the District Attorneys' office.

APPENDIX

The Small Claims Court

Proposed Amendments to the Code of Civil Procedure to Establish the Court

Section 927. All justices of the peace in townships containing cities or parts of cities of the.....class shall exercise the jurisdiction conferred by this title and while sitting in the exercise of said jurisdiction shall be known and referred to as the small claims court; provided, that the jurisdiction of such justices court, when sitting as a small claims court, shall be confined to cases for the recovery of money only where the amount claimed does not exceed fifty (50) dollars and the defendant named is a resident of the county in which the action is to be maintained.

Section 927a. Actions shall be commenced, heard, and determined in the small claims courts under the provisions of this title whenever any person appears before any justice of the peace and executes an affidavit in the form set forth in section 927b of this title.

Section 927b. The affidavit mentioned in the last section shall be made on a blank in the following form:

In the Small Claims Court of....., County of....., State of California.

.....
Plaintiff.

vs.

.....
Defendant.

State of California }
County of..... } ss.

....., being first duly sworn, deposes and says: that the defendant is indebted to the plaintiff in the sum of $.....; that this affiant has demanded payment of said sum; that the defendant refused to pay the same and no part thereof has been paid; that the defendant resides at ....., in the above named county; that this affiant resides at....., county of ..... in the State of California.

Subscribed and sworn to before me this.....day of....., 19.....

.....
Justice.

On the said affidavit shall be printed:

ORDER

The People of the State of California, to the within named defendant, greeting:

You are hereby directed to appear and answer the within and foregoing claim at my office in ....., in.....,.....
Name building or residence.

county of....., State of California, on the.....day of .....19.., at the hour of.....o'clock in the.....noon of said day; and to have with you, then and there, all books, papers, and witnesses needed by you to establish your defense to said claim.

And you are further notified that in case you do not so appear, judgment will be given against you for the amount of said claim as it is stated in said affidavit.

Dated this.....day of....., 19.....

.....
Justice of the Peace.

Section 927c. When the claimant appears he shall prepare such an affidavit as is set forth in section 926b of this title or, at his request, the judge of the court shall draft the same for him. Upon the affidavit being sworn to by the claimant the justice shall file the same and make a true and correct copy thereof. At the same time the justice shall fill in the blanks in the order printed on said copy and sign the order. Immediately thereafter the said justice shall enclose said copy and order in an envelope, address the said envelope to the said defendant at the address so stated in said affidavit, prepay the postage and mail said envelope to said defendant by registered mail, and request a return receipt, or said justice may deliver personally, or cause to be delivered, said copy and order to the defendant in person and take his receipt therefor. The justice shall then attach to the original affidavit the receipt for the registered letter and the return card thereon or the receipt of the defendant.

Section 927d. The date for the appearance of the defendant as provided in the order endorsed on the affidavit shall not be more than ten days nor less than five days from the date of the said order. When the justice has fixed the date for the appearance of the defendant he shall inform the plaintiff of said date and at the same time order the plaintiff to appear on said date and to have with him his books, papers, and witnesses necessary to prove his claim.

Section 927e. The justice shall enter in the docket kept by him as a justice of the peace:

1. The title of every action;
2. The sum of money claimed;
3. The date of the order provided for in section 927b, and the date of the trial as stated in said order;
4. The date when the parties appear, or their non-appearance if default be made;
5. Every adjournment, stating on whose application and to what time;
6. The judgment of the court and when returned;
7. A statement of any money paid to the justice, when, and by whom; and the date of the issuance of any abstract of the judgment.
8. The date of the receipt of a notice of appeal, if any be given, and of the appeal bond, if any be filed.

Section 927f. No claim shall be filed or prosecuted in such small claims court by the assignee of such claim.

Section 927g. No attorney-at-law or other person than the plaintiff and defendant shall take any part in the filing or the prosecution or defense of such litigation in the small claims court. The plaintiff and defendant shall have the right to offer evidence in their behalf by witnesses appearing at such hearing, or at any other time. The justice may also informally make any investigation of the controversy between the parties either in or out of court and give judgment and make such orders as to time of payment or otherwise as may, by him, be deemed to be right and just.

Section 927h. No formal pleading, other than the said claim and notice, shall be necessary and the hearing and disposition of all such actions shall be informal, with the sole object of dispensing speedy justice between the parties. No attachment or garnishment shall issue from the small claims court, but exe-

cution may issue in the manner prescribed in Chapter IX, Code of Civil Procedure of the State of California.

Section 927i. If the judgment or order be against the defendant, he shall pay the same forthwith or at such times and upon such terms and conditions as the justice shall prescribe.

Section 927j. The judgment of said court shall be conclusive upon the plaintiff. If the defendant is dissatisfied, he may, within five days from the entry of said judgment against him, appeal to the superior court of the county in which said court is held, and if final judgment is rendered against him in such superior court, then he shall pay, in addition to said judgment, an attorney's fee to the plaintiff in the sum of fifteen dollars ($15).

Section 927k. The defendant's appeal may be taken by filing in the small claims court a statement in the following terms:

In the Small Claims Court of....., County of....., State of California.

.....
Plaintiff.

vs.

.....
Defendant.

Comes now the defendant and appeals from the judgment of the above entitled court in the above entitled action, to the superior court in and for the above named county and state.

Dated this.....day of....., 19.....

.....
Appellant.

Section 927-1. The statement mentioned in the last section shall be accompanied by a bond substantially in the following form:

In the Small Claims Court of....., County of....., State of California.

.....
Plaintiff.

vs.

.....
Defendant.

WHEREAS the above entitled court in the above entitled action did on the .....day of....., 19....., enter judgment in favor of the plaintiff and against the defendant in the sum of $.....; and

WHEREAS the defendant is about to appeal to the superior court of the State of California in and for the above named county;

NOW, THEREFORE, the undersigned does undertake and promise that if said judgment is affirmed that then and in that event the undersigned will pay said judgment and also $15.00 as an attorney fee to the said plaintiff on demand.

Dated this.....day of....., 19.....

Surety.

State of California,
City and County of..... } ss.

....., the surety named in the above bond, being duly sworn, says that he is a.....holder and resident within said State and is worth the sum of.....Dollars, over and above all his debts and liabilities, exclusive of property exempt from execution.

.....

Subscribed and sworn to before me this.....day of....., 19.....

.....

Section 927m. If no appeal be taken by the defendant and the defendant fails to pay the judgment according to the terms and conditions thereof, the justice before whom such a hearing was had, shall, on application of the plaintiff, certify such judgment in substantially the following form:

In the Small Claims Court of....., County of....., State of California.

.....
Plaintiff.
vs.
.....
Defendant.

ABSTRACT OF JUDGMENT

In the above entitled court and action on the.....day of....., 19....., judgment was entered for plaintiff for $.....; that no appeal from said judgment has been taken.

Dated this.....day of....., 19.....

.....
Justice of said court.

Section 927n. The abstract may be filed in the office of the county clerk of the county in which the judgment was rendered, and the judgment docketed in the judgment docket of the superior court thereof. The date of the receipt of the abstract by the clerk must be noted by him thereon, and entered in the docket.

Section 927o. The board of supervisors of every county wherein said small claims courts shall exist, shall furnish to every justice of the peace in such county a reasonable supply of various blank forms set forth in this title, also all forms, docket books and stationery necessary for the use of such justice sitting as a small claims court.

Section 927p. No fee or charge of any kind or nature shall be charged or collected by any officer for any service rendered under this title. But the justice may, in the manner provided by law, make a claim against the county to reimburse him for moneys expended for postage stamps and registry charges of the post office department when the said justice was sitting as such small claims court; provided, that in those counties where the compensation of justices of the peace consists of fees allowed by law, the justice of the small claims courts may charge and collect the same fees which a justice of the peace may charge and collect and no others.

Letter from Superior Judge Frank R. Willis

Office of the Public Defender,
Los Angeles County, 1101 Hall of Records.
Los Angeles, Cal., May 24, 1920.

Mr. William H. Gorrill,
Chairman, Sub-Committee on Public Defender, Commonwealth Club,
San Francisco, California.

Dear Mr. Gorrill:—

* * *

On my return to Los Angeles Saturday morning one of my deputies handed me a copy of a letter which had been given him by Judge Frank R. Willis. It seems that the Civic League of San Francisco has been making inquiry of officials here with regard to the public defender.

* * *

I am enclosing a copy of Judge Willis' letter. You will note that the letter was written by Judge Willis without any request from me and on the day on which I was in San Francisco. His letter covers the main points which I discussed in my talk. It occurs to me that your committee might find a way of using this letter to advantage.

You will recall that I told you that Judge Willis has for many years been presiding in one of the two main criminal departments in Los Angeles, both before and after the creation of the office of public defender. His judgment on this subject has far more weight in Los Angeles than that of any other man.

Very sincerely yours,
WALTON J. WOOD.
Los Angeles, Cal., May 20, 1920.

Civic League,
San Francisco, Cal.
Gentlemen:—

Replying to your letter of recent date inquiring as to the operation of the act creating the office of public defender in this county: I beg leave to say that this act has been in force here for several years and its operations have been well received by the courts and by people in general.

The only persons opposed to the measure, so far as I know, are a class of attorneys known as "jail parasites" who endeavor to secure appointments to defend indigent criminals and then delay cases as long as possible in order to levy a tribute upon the unfortunate wives, parents or children of the defendants.

Aside from the admitted reasons that the State having undertaken to regulate the relations which society sustains to the persons and property, and having invoked the power of the state to bring before the bar of justice all cases in which persons are reasonably suspected of crime, it is generally conceded, I believe, that the State owes an equal duty to the defendant; that is, to see that he has a fair and legal investigation and presentation of his side of the case whenever he is restrained of his liberty and compelled to make a defense to the charge of a violation of the criminal laws.

Theoretically, of course, the district attorney is presumed to represent both the people and the defendant, but human experience and observation shows that a fair presentation of both sides of the case is impossible. For that reason the defendant must be represented, and in cases where the defendant is indigent it is necessary that the State shall furnish him an opportunity of a just legal defense.

I am enclosing herewith the annual report of the public defender of Los Angeles county for the year ending July 1st, 1919. By that you will see that he appeared in 184 cases in the superior court, which were disposed of without a trial, and 38 cases which were disposed of by trial by jury. This would be a fair average of the cases which ought to be tried under the informations filed in the superior court.

Had these cases been assigned to attorneys who used them as a means of acquiring either practice or reputation, more than nine-tenths of them would have been submitted to a jury at an average cost of perhaps $200 per case, an expense far exceeding the entire amount of salaries paid to the public defender. In addition to that the public defender having no fees dependent on his effort, and not being inclined to make a reputation at the expense of the defendant, is able to advise a defendant more fairly as to his rights and to secure more equal justice between the defendant and the State.

In cases where the facts ought to be litigated we find the cases represented in a very efficient manner and without temptation to resort to tactics too often used to prevent a jury from arriving at a fair determination of the case.

In addition to his appearance in court the public defender in many probationary cases procures employment for the defendant and supervises his conduct in conjunction with the probation officer of the county, thereby being of material assistance to the State and to society.

In addition to that the public defender's office handles certain civil cases provided for by our county charter, a memorandum of which is also enclosed herewith.

I have no hesitation in saying that in the interests of justice, economy and a square deal between the defendant and the public, the office of public defender will be found beneficial in all the more populous counties of the State.

Very truly yours,
(Signed) FRANK R. WILLIS.

Letter from David Robinson

Treasury Department
Bureau of the Public Health Service

Washington, May 18, 1920.

Mr. Wm. H. Gorrill,
Chairman, Sub-Committee on Public Defender, Commonwealth Club,
San Francisco, California.

Sir:—

Your letter of May 5 addressed to public defender, municipal court, Portland, Oregon, has been forwarded to me by the city attorney of Portland. I held the office of public defender from the time it was established until it was discontinued.

I know of no fact or figures that I could add in addition to the material you mention in your letter. My experience as public defender for almost three years convinced me that justice cannot be administered without safeguarding the rights of defendants in criminal courts by a provision of this character. Many cases came to my attention where defendants were absolutely innocent of the crime charged, and yet the circumstances were such that the defendants would most certainly have been convicted and punished had it not been for free counsel being available to investigate the charge and the evidence.

I am now in charge of the legal section of the Division of Venereal Diseases in the United States Public Health Service. My duties are to stimulate prosecution of violations of health laws. I have, therefore, had opportunity of observing both positions—prosecution and defense. As a result of this experience, I most heartily indorse the public defender idea and believe that it should be established in all communities.

Respectfully,

DAVID ROBINSON,
Director, Section of Legal Measures.

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TRANSACTIONS

OF THE

COMMONWEALTH CLUB

OF CALIFORNIA

VOL. XV AUGUST, 1920 No. 4

The Alien Land Law

The object of the Commonwealth Club shall be to investigate and discuss problems affecting the welfare of the Commonwealth, and to aid in their solution. —Constitution, Article II.

The Commonwealth Club shall maintain itself in an impartial position as an open forum for the discussion of disputed questions.—By-Laws, Section 10.

SAN FRANCISCO, CALIFORNIA

1920

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TRANSACTIONS
OF THE
COMMONWEALTH CLUB
OF CALIFORNIA

VOL. XV SAN FRANCISCO, AUGUST, 1920 No. 4

THE ALIEN LAND LAW

Following the Club meeting of December, 1919, at which the Club's Section on Immigration presented a preliminary report on the general subject of immigration, the section was requested to continue its investigations. Many meetings were held and discussion was had on the immigration bills pending in Congress, the Gulick plan of restricting immigration which is now embodied substantially in H. R. Bill No. 14196, introduced by Representative Welty, and on the problem of Japanese landholding in the United States. In recent months the latter subject received much of the attention of the Section on account of the announcement that an initiative measure would be placed before the voters of California at the election of November 2, 1920, to make more stringent the laws restricting the privileges of the Japanese to hold land in this State. The following speakers were brought before the Section to give information on this problem:

January 29th ..... K. K. Kawakami
March 4th ..... V. S. McClatchy
April 1st ..... John P. Irish
May 6th ..... Prof. P. J. Treat

The Section meetings were attended by the following members: Chairman H. H. Beers, Edw. O. Allen, W. P. Bentley, F. T. Duhring, E. J. Dupuy, Emil Greenbaum, C. Nelson Hackett, E. J. Hardy, Dr. B. C. Haworth, E. Clemens Horst, J. M. Howells, M. Jongeneel, M. W. Joy, Max Loewenthal, Norman Lombard, W. H. McBryde, Henry K. Norton, Leopold Oppenheimer, Raymond Perry, Warren Shannon, T. J. Swift, M. S. Wildman, Fred P. Winchester, and B. Grant Taylor who served as secretary of the Section.

The Section was assigned the Club meeting of July 15, 1920, and arranged the following presentation of its investigations:

Report of Section on the general problem, by Chairman Beers.
Argument for the proposed Alien Land Law, by Wm. Kent.
Argument against the Alien Land Law, by John P. Irish.
Analysis of the Welty Bill, by Prof. Roy Malcolm, Department of Political Science of the University of Southern California.

At the conclusion of the prepared addresses further material was furnished by Wallace M. Alexander.

Text of Proposed Alien Land Law of 1920

The Attorney General has summarized the proposed measure as follows:

Alien Land Law. Initiative Act. Permits acquisition and transfer of real property by aliens eligible to citizenship, to same extent as citizens except as otherwise provided by law; permits other aliens, and companies, associations and corporations in which they hold majority interest, to acquire and transfer real property only as prescribed by treaty, but prohibiting appointment thereof as guardians of estates of minors consisting wholly or partially of real property of shares in such corporations; provides for escheats in certain cases; requires reports of property holding to facilitate enforcement of act; prescribes penalties and repeals conflicting acts.

The People of the State of California do enact as follows:

Section 1. All aliens eligible to citizenship under the laws of the United States may acquire, possess, enjoy, transmit and inherit real property, or any interest therein, in this State, in the same manner and to the same extent as citizens of the United States, except as otherwise provided by the laws of this State.

Sec. 2. All aliens other than those mentioned in section one of this act may acquire, possess, enjoy and transfer real property, or any interest therein, in this State, in the manner and to the extent and for the purpose prescribed by any treaty now existing between the Government of the United States and the nation or country of which such alien is a citizen or subject, and not otherwise.

Sec. 3. Any company, association or corporation organized under the laws of this or any other state or nation, of which a majority of the members are aliens other than those specified in section one of this act, or in which a majority of the issued capital stock is owned by such aliens, may acquire, possess, enjoy and convey real property, or any interest therein, in this State, in the manner and to the extent and for the purposes prescribed by any treaty now existing between the Government of the United States and the nation or country of which such members or stockholders are citizens or subjects, and not otherwise. Hereafter all aliens other than those specified in section one hereof may become members of or acquire shares of stock in any company, association or corporation that is or may be authorized to acquire, possess, enjoy or convey agricultural land, in the manner and to the extent and for the purposes prescribed by any treaty now existing between the Government of the United States and the nation or country of which such alien is a citizen or subject, and not otherwise.

Sec. 4. Hereafter no alien mentioned in section two hereof and no company, association or corporation mentioned in section three hereof, may be appointed

guardian of that portion of the estate of a minor which consists of property which such alien or such company, association or corporation is inhibited from acquiring, possessing, enjoying or transferring by reason of the provisions of this act. The public administrator of the proper county, or any other competent person or corporation, may be appointed guardian of the estate of a minor citizen whose parents are ineligible to appointment under the provisions of this section.

On such notice to the guardian as the court may require, the Superior Court may remove the guardian of such an estate whenever it appears to the satisfaction of the court:

(a) That the guardian has failed to file the report required by the provisions of section five hereof; or

(b) That the property of the ward has not been or is not being administered with due regard to the primary interest of the ward; or

(c) That facts exist which would make the guardian ineligible to appointment in the first instance; or

(d) That facts establishing any other legal ground for removal exist.

Sec. 5. (a) The term "trustee" as used in this section means any person, company, association or corporation that as guardian, trustee, attorney-in-fact or agent, or in any other capacity has the title, custody or control of property, or some interest therein, belonging to an alien mentioned in section two hereof, or to the minor child of such an alien, if the property is of such a character that such alien is inhibited from acquiring, possessing, enjoying or transferring it.

(b) Annually on or before the thirty-first day of January every such trustee must file in the office of the Secretary of State of California and in the office of the county clerk of each county in which any of the property is situated, a verified written report showing:

(1) The property, real or personal, held by him for or on behalf of such an alien or minor;

(2) A statement showing the date when each item of such property came into his possession or control;

(3) An itemized account of all expenditures, investments, rents, issues and profits in respect to the administration and control of such property with particular reference to holdings of corporate stock and leases, cropping contracts and other agreements in respect to land and the handling or sale of products thereof.

(c) Any person, company, association or corporation that violates any provision of this section is guilty of a misdemeanor and shall be punished by a fine not exceeding one thousand dollars or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

(d) The provisions of this section are cumulative and are not intended to change the jurisdiction or the rules of practice of courts of justice.

Sec. 6. Whenever it appears to the court in any probate proceeding that by reason of the provisions of this act any heir or devisee cannot take real property in this state or membership or shares of stock in a company, association or corporation which, but for said provisions, said heir or devisee would take as such, the court, instead of ordering a distribution of such property to such heir or devisee, shall order a sale of said property to be made in the manner provided by

law for probate sales of property and the proceeds of such sale shall be distributed to such heir or devisee in lieu of such property.

Sec. 7. Any real property hereafter acquired in fee in violation of the provisions of this act by any alien mentioned in section two of this act, or by any company, association or corporation mentioned in section three of this act, shall escheat to, and become and remain the property of the State of California. The attorney general or district attorney of the proper county shall institute proceedings to have the escheat of such real property adjudged and enforced in the manner provided by section four hundred seventy-four of the Political Code and title eight, part three of the Code of Civil Procedure. Upon the entry of final judgment in such proceedings, the title to such real property shall pass to the State of California. The provisions of this section and of sections two and three of this act shall not apply to any real property hereafter acquired in the enforcement or in satisfaction of any lien now existing upon, or interest in such property, so long as such real property so acquired shall remain the property of the alien, company, association or corporation acquiring the same in such manner. No alien, company, association or corporation mentioned in section two or section three hereof shall hold for a longer period than two years the possession of any agricultural land acquired in the enforcement of or in satisfaction of a mortgage or other lien hereafter made or acquired in good faith to secure a debt.

Sec. 8. Any leasehold or other interest in real property less than the fee, hereafter acquired in violation of the provisions of this act by any alien mentioned in section two of this act, or by any company, association or corporation mentioned in section three of this act, shall escheat to the State of California. The attorney general or district attorney of the proper county shall institute proceedings to have such escheat adjudged and enforced as provided in section seven of this act. In such proceedings the court shall determine and adjudge the value of such leasehold or other interest in such real property, and enter judgment for the State for the amount thereof together with costs. Thereupon the court shall order a sale of the real property covered by such leasehold, or other interest, in the manner provided by section twelve hundred seventy-one of the Code of Civil Procedure. Out of the proceeds arising from such sale the amount of the judgment rendered for the State shall be paid into the state treasury and the balance shall be deposited with and distributed by the court in accordance with the interest of the parties therein. Any share of stock or the interest of any member in a company, association or corporation hereafter acquired in violation of the provisions of section three of this act shall escheat to the State of California. Such escheat shall be adjudged and enforced in the same manner as provided in this section for the escheat of a leasehold or other interest in real property less than the fee.

Sec. 9. Every transfer of real property, or of an interest therein, though colorable in form, shall be void as to the State and the interest thereby conveyed or sought to be conveyed shall escheat to the State if the property interest involved is of such a character that an alien mentioned in section two hereof is inhibited from acquiring, possessing, enjoying or transferring it, and if the conveyance is made with intent to prevent, evade or avoid escheat as provided for herein.

A *prima facie* presumption that the conveyance is made with such intent shall arise upon proof of any of the following groups of facts:

(a) The taking of the property in the name of a person other than the persons mentioned in section two hereof if the consideration is paid or agreed or understood to be paid by an alien mentioned in section two hereof;

(b) The taking of the property in the name of a company, association or corporation, if the memberships or shares of stock therein held by aliens mentioned in section two hereof, together with the memberships or shares of stock held by others but paid for or agreed or understood to be paid for by such aliens, would amount to a majority of the membership or the issued capital stock of such company, association or corporation;

(c) The execution of a mortgage in favor of an alien mentioned in section two hereof if said mortgagee is given possession, control or management of the property.

The enumeration in this section of certain presumptions shall not be so construed as to preclude other presumptions or inferences that reasonably may be made as to the existence of intent to prevent, evade or avoid escheat as provided for herein.

Sec. 10. If two or more persons conspire to effect a transfer of real property, or of an interest therein, in violation of the provisions hereof, they are punishable by imprisonment in the county jail or state penitentiary not exceeding two years, or by a fine not exceeding five thousand dollars, or both.

Sec. 11. Nothing in this act shall be construed as a limitation upon the power of the state to enact laws with respect to the acquisition, holding or disposal by aliens of real property in this state.

Sec. 12. All acts and parts of acts inconsistent or in conflict with the provisions hereof are hereby repealed; *provided,* that—

(a) This act shall not affect pending actions or proceedings, but the same may be prosecuted and defended with the same effect as if this act had not been adopted;

(b) No cause of action arising under any law of this state shall be affected by reason of the adoption of such leasehold, or other interest, in the manner provided by section twelve hundred seventy-one of the code* of this act whether an action or proceeding has been instituted thereon at the time of the taking effect of this act or not and actions may be brought upon such causes in the same manner, under the same terms and conditions, and with the same effect as if this act had not been adopted;

(c) This act in so far as it does not add to, take from or alter an existing law, shall be construed as a continuation thereof.

Sec. 13. The Legislature may amend this act in furtherance of its purpose and to facilitate its operation.

Sec. 14. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The people hereby declare that they would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

* Presumably intended to refer to the Code of Civil Procedure, but text printed is that of the petition circulated for signatures.

Meeting of July 15, 1920

The regular meeting of the Club, held at the Hotel St. Francis, San Francisco, on Thursday, July 15, 1920, was devoted to a discussion of the question of "Immigration Restriction and the Proposed Alien Land Law." At the conclusion of the dinner and business meeting President C. E. Grunsky introduced the subject as follows:

Remarks by President Grunsky

THE PRESIDENT: We are prone to demand rapid development of our resources. We have become accustomed to welcome immigration in order that our idle fields may be brought into use. We boast of the rapid growth of our population. We feel disappointed if in the rate of growth our home town is outstripped by its rival. We deplore the scarcity of farm labor and try to make ourselves believe that if the farmer had more help and would produce more, the price of food-stuffs would come down.

Perhaps it will be a little unpopular to say that there are a few among us who look a little deeper and would rather see slower growth of the country with a somewhat more selfish conservation of our inheritance for our own descendants.

The population of the United States has been doubling in the past, every thirty to forty years. It will probably continue to increase at this rate for some time longer. As the density of population increases the difficulty of fully supplying the desires and necessities of man must increase. The standard of living must, in other words, gradually fall. This is inevitable. Some of us have had the privilege of living at the frontier but this privilege is denied to our descendants. There is no more frontier. The pioneer days are past. The cry should be, "we are growing too fast," not, that "we are not growing fast enough." Let us pause a moment and consider whether our country would not be better off under a slow, steady growth than under the stimulation of a rapid increase of population. For the immediate gain that results from the enlarged market and from the unearned increment due to population increase, we have been willing to see our land rapidly fill up, not merely with our direct descendants but with the foreigners whom we invite to come and work in field and factory. The unthinking mass does not look beyond the immediate requirements, forgetting that if the sluice gates of the foreign reservoirs of humanity were closed the nation would speedily adapt itself to the altered conditions.

If labor can not be had for large scale speculative farming—now so popular—let the farmer adjust his crops to what circumstances will

permit him to bring to maturity and to harvest. It will not hurt the nation to have crops restricted to what can be produced with available labor. And if there is a shortage, let the prices of the farm product go up to the point where the farmer can afford to provide a bed and good food and a bath for his laborers, making work on the farm both profitable and attractive, so that there will be created a desire to work on the farm in preference to working in the city.

Already may be noted more or less dissatisfaction among the factory workers and a desire to profit by the high rates of pay in the field in our western states. A strong movement by labor to the farm may confidently be expected whenever the farm laborer is assured the same or equivalent comforts of living as he now commands when working in the factory. Why, then, should we continue the policy of the past of opening wide our doors to the immigrants from other countries? Why not close the doors? Not completely, of course, but sufficiently to minimize the accession of foreigners?

The Club's Section on Immigration has studied these problems. It has already made a preliminary report to the Club and is now prepared to renew its recommendations. Mr. Beers, Chairman of the Section, will present the conclusions of the Section. (Applause.)

Report of Section on Immigration

MR. BEERS: The Immigration Section has been making an earnest effort to get at the truth of this question so that when we report to the Club our conclusions may be based on facts.

At the Club meeting on December eighteenth last the Section went on record as favoring the complete suspension of all unskilled immigration for a period of at least two years (artisans and students excepted), and further consideration of the matter since that time having tended to confirm the wisdom of that recommendation, we wish now to urge that such action be taken even for a longer period if necessary to permit of an industrial survey to determine whether or not further immigration is necessary or desirable; in other words, to find out what relation the jobless man bears to the manless job.

I think we can all agree that before presuming to offer a solution for the problem we should first analyze it. What are we suffering from, a shortage or a maladjustment of labor? Are the conditions permanent or temporary? Local or general? At present there is not sufficient data at hand to justify final conclusions on these points, but we do know that we now have in this country hundreds of thousands, perhaps millions of people who are not yet assimilated. Secretary Lane in his 1919 report makes the statement that "twenty-five per cent of the 1,600,000

men between 21 and 31 years of age who were first drafted into our army could not read nor write our language, and tens of thousands could not speak it nor understand it." In face of these facts, to encourage further immigration would be like shoveling fresh coal into a furnace already filled with half-burned coal. Who would advise adding more to a stomach already full of undigested food?

Industrial reports from various sections seem contradictory, as is bound to be the case in these abnormal times while readjustment is going on. We are not yet convinced that a real general shortage of labor exists, but incline to the belief that it is rather a matter of mobilizing and transporting men to points where they are most needed. Such a movement is already under way, a case in point being the activities of the San Francisco Public Employment Bureau, who in the past month have sent upwards of six hundred unskilled men to Alaska, paying their transportation and $5.00 per day, less a deduction of $1.50 for board, leaving a net of $3.50 wage for an eight-hour day. Let us now contrast that with the following item of news regarding the plan of the Southern Pacific Railroad Company.

The San Francisco *Bulletin* of July 7, 1920, contains the following item:

The first intimation of a huge plan of the Southern Pacific to bring thousands of white immigrants to California from Europe was given yesterday by Lewis J. Spence, director of traffic, who arrived from Portland on an inspection trip.

Spence declared that Southern Pacific emissaries have been in various parts of Europe for some time arranging for the expected exodus of emigrants. Italians and Southern Europeans will make up the bulk, but many are expected also from Russia. The Southern Pacific's part in the affair is to provide attractive rates which will cause the people to leave their native countries and settle on California land.

Spence arrived in company with W. M. Sproul, president of the road. He said that if the United States Labor Board grants an increase of wages the charges for freight and passenger transportation will both be raised.

Here is an interesting comparison; on the one hand an employment agency sending men from California to Alaska, on the other a railroad company planning to bring thousands from Europe. Does that indicate a shortage or a wrong distribution of labor? Which policy is most efficient? Which conduces most to the future welfare of our country? But some say these men will not work on farms. Others say they will if you pay and house them properly, and the latter statement seems to be borne out in at least one direction, viz., the Department of Agriculture, as shown by the following item of news:

WASHINGTON, July 8.—(By Associated Press.)—A land army of 100,000 farm hands, recruited and organized by the Department of Agriculture, is moving northward across the western wheat belt, harvesting the nation's grain crop in better time than in many years, according to reports today to the Department.

Attracted by a wage of $7 for a ten-hour day, thousands of workers from Atlantic and Allegheny regions have gone west of the Mississippi river to join the harvest drive, according to officials.

We want a qualitative rather than a quantitative citizenship, and in view of the fact that even in normal times we have about three million unemployed men in this country, the question arises, why can we not transport this army of men to wherever needed instead of opening our doors to a large influx of immigrants, with the inevitable result of quickly exhausting our natural resources and diluting our citizenship? Is that the kind of legacy we want to leave to posterity? A vigorous *No* is the only answer to that question.

It might be argued that if we are to continue our present policy of intensive development foreign labor will be needed. But is that policy a wise one? In our last report we referred to this question, intimating that it might be better to slow down to a pace more in keeping with our available supply of labor and we find this view ably supported by H. S. Firestone in a recent speech, from which the following is an excerpt:

San Francisco *Bulletin,* July 10, 1920.—Industry has hit too fast a pace and must slow down to let agriculture catch up with it, if the country is to regain balance, H. S. Firestone, president of the Firestone Tire and Rubber Company of Akron, told 600 of the company's factory men and executives at a recent assembly. Industry everywhere, he declared, is faced with a grave crisis, new problems regarding raw material, transportation and other of its elements presenting themselves daily.

"We have taken too many boys off the farms, thus reducing the number of food producers," said Firestone. "And we have brought them into the city to work without providing sufficient housing facilities. We seem to have lost our balance, and there will be no peace for us until we get the right proportions of industry, agriculture and religion into our daily lives."

At the beginning of its work the Section decided to generalize on all nationalities, not confining itself to any one nationality nor to one state, but to study the question from the standpoint of all countries and the forty-eight states. But owing to the serious aspect suddenly assumed by the Japanese phase of the subject we felt impelled to direct special attention to it, with the result that the Section by a majority vote places itself on record as supporting Governor Stephens in the stand he has taken on the proposed Alien Land Law. (Applause.)

For the Proposed Alien Land Law

ADDRESS BY WILLIAM KENT

MR. KENT: I come to you this evening seriously handicapped—personally handicapped by being not well and tired out and not feeling up to the topic assigned me, and further handicapped by the gentlemen who preceded me, who have made a good deal of my speech.

This question before us, that of the land law, has two phases, separate and distinct—the economic and the social. I was one of those privileged to study under Billy Sumner of Yale, and to him the idea of Chinese exclusion, which was then a matter of grave discussion in my home in California, was an abhorrent thing. He showed how in an economic sense the Chinese left his work behind him, was entitled to his wage, and had earned it. I remember that in my class were John Pomeroy and Sam Knight, worthy representatives of the state, and we wrangled and fought until finally Sumner in desperation said "that if he were a Californian, judging from the members of the race that he had met on the campus," he probably would be as much opposed to Chinese as Californians were, with as little reason. To him everything was economic and not social. He would not touch on the theory of democracy which must so profoundly modify the "mechanics", if there be such things, of economics.

I intended to take up, as your chairman took up, the question of the mal-adjustment and mal-distribution of our population. Throughout the years we have boasted of better systems of distribution, better banking facilities, better methods of exchange. We have boasted of better transportation and still with all this, the margin between the producer and the consumer has continued to increase and we find the reason in it for the exodus of our people from the country to the city, piling and piling up more and more people on the distributing system, all of which costs more and more to the consumer and reduces the reward of the producer. And yet every town in this country brags of its increased population. Every town in this country should be gauged by its usefulness in the great factor of distribution and manufacture and not by mere population.

The importation of labor has had many phases. We had first the aristocratic phase of the importation of the negro. Economically speaking, this was a good system. It was productive. There was the white man for the boss, and there was the willing man to do the work, or if he was not willing there was the convenient club. We overturned that because of its inhumanity, its injustice, and the fact that it was not consistent with any ideals of democracy. The founders of our constitution simply considered that the negro was not a man and let it go

at that, but we brought upon ourselves a race question there—one that hasn't "downed" and one that I fear never will "down." I would feel much happier for the future of my country if I saw any solution of that problem—that wreckage of democracy under which the South in the past has suffered and under which the North must more and more apparently suffer, because people will not be governed by those with whom they do not feel on friendly and on equal terms. They will not submit to the rule of majorities with whom they cannot get along or whom they regard as intellectual inferiors. It has long been the burden of my talk—this tremendous exploitation of our natural resources—of our unnecessary haste to tear up and destroy what ought to be the heritage of our children. We have gotten pretty near the exhaustion of some of our resources. The cypress timber and white pine is about gone. We can see the end of our redwoods—can look ahead to the time when they will have been destroyed, all through the heedless rush to tear things up and to destroy them for short-lived private profit. I have seen many a man cut down a grove of redwoods and haul the lumber to market and be poorer at the end of the transaction than he was before. Yet some way or other he felt that this was development. In the same way, we have destroyed forever by gold-dredging countless acres of the best lands in the Sacramento valley. I could bring an arraignment of our own people that would be about as severe an arraignment as could be brought. But if our people have sinned and have become unproductive, I do not believe that their places should be filled by an alien race with whom we cannot assimilate, but rather that our people should, by the process of readjustment, by having to go hungry, if necessary, go back and occupy the land and function as a self-sustaining democracy. The void cannot be filled by the importation of Orientals, however efficient. If it be so filled we perish as a race. Over across the Pacific Ocean is a vast reservoir of people, laborious, patient, adequate to supporting their own lives. We must keep the dike in order and shall profit as a nation if forced to do our own tasks, rather than that we should count our rapid profits in terms of dollars while the real interests of the race are on the wrong side of the ledger.

The first protest against the Oriental on this coast came from the laboring people who felt the pressure of unlimited Chinese competition. I well remember, as many of you do, the old days, and as we look back on the mouthings of Denis Kearney we cannot but see that there must have been a great cause back of the fact that a man like Denis Kearney could be recognized. I remember well when as a small boy I went east and was told about what a lovely thing it would be to mix up the Chinese industry with the white man's initiative and make a perfect race,

but those who put forward this argument didn't want any of it in their own families.

The aristocratic ideal calls for cheap labor; the democratic ideal calls for a different thing entirely. It calls for an equality of opportunity; for a quality of population that can co-operate; that can understand each other; can go ahead along the lines of growing democracy and growth of human rights; of the lessening of lines between classes. The idea of mixed races is inherently abhorrent. Certainly we who look back to a Northern European origin are glad that our people were free from the kind of ebb and flow that have made the Balkans a hell from the beginning of time, and apparently hopeless today. It seems absurd and ridiculous to talk about self-determination amongst people so mixed in blood, so incoherent in their ideas. We who happen to be of English descent are proud and happy in the fact that the country from which we came was not overrun by successions of peoples yellow and black and indiscriminate in their breeding. There have been mixtures among them, but they have been of a character that have enabled civilization to work on patiently toward the last flower—that of democracy. We know perfectly well that democracy cannot exist where people cannot understand one another, and respect one another, and cannot get on in peace. We have seen it tried in Mexico, seen it tried in Central America; we have seen it tried in the West Indies and in other places, and we know that it requires the self-control of a steady-going population and willingness to wait until we understand the other fellow before precipitating a row.

We had our negro question; we have it still. We don't want another race question. The Japanese question is one entirely different from that of the negro. We do not claim their inferiority in the way we claim negro inferiority, although I should be farthest from admitting their equality with the white race. We admit their superiority in some ways, their laboriousness, their productivity. We admire and fear their fecundity. But here again we have a great question as to in what consists the survival of the fittest. We believe that we are fit to survive and we propose to survive as a white race, even though other people may be willing to subsist on a lower plane of living and possibly work harder than we want to work. We have to consider the Japanese as a strong and able people. We find them in competition with us here in California for existence. We are not making weak confession in saying that we cannot afford them as competitors, in production or in fecundity.

We are placed in regard to this nation at the frontier of this Oriental danger. We stand where Jan Sobieski stood. From the beginning it

has been a surprise to me to see how those who would have profited from the cheap labor of the Chinese, even without the political phases that come with the Japanese question, have forgotten in that particular matter their desire to live as high as possible on the labor of others, and have felt, and have acted on this racial impulse. With the Japanese the question assumes another phase. There was nothing bellicose in the Chinese situation; there is a possibility of trouble in the Japanese situation; a certainty of trouble unless something definite is done about it, unless there is a definite end of the menace of the yellow tide.

I have tried many times to talk to Japanese about the question; intelligent men whom I have met. I have always been told that they were a proud and sensitive people and that I insulted them by comparing them to other races, which I never did. Nothing that I could say would make them admit that there was any race question involved. They termed it a matter of crude prejudice, and refused to consider the matter of race.

As a nation, Japan professes big ideas of pride and sensitiveness. They bulldozed us into dropping our sovereign right of exclusion, into accepting a gentlemen's agreement, because we were a peaceful people and not at the time prepared to scrap about it. They were a proud and sensitive people when we talked about California land laws and yet they were not a proud and sensitive people when they made an alliance with Great Britain whose self-governing dominions, especially Australia, absolutely refused to permit their landing on the soil. The British navy was a deterrent to pride preceding a fall. They were a proud and sensitive people when they demanded at the peace table "equality," which simply meant the right to go where they pleased and settle where they pleased. This was undoubtedly a step toward making that demand of the League of Nations. When they found that their pride and sensitiveness was thwarted by a brutal premier, I believe, of Australia, their pride and sensitiveness caused them to turn and demand a large-sized slice of China and everyone's endorsement of their Korean larceny. Why, it seems to me that a proud and sensitive people like that when furnished with the notice that California has furnished them that they are not wanted here, would, in their pride and sensitiveness, stay home or go elsewhere! But this does not seem to be the case.

I have here the official record of the State Board of Control of California. This is an early report that I have succeeded in obtaining. This official report shows that step by step these people are taking up the best farm lands of the State. If they were our people, our kind of people that were doing this thing, that were going back to the land, that

were developing food supplies, I should say that this was the finest thing that could possibly happen.

Economically speaking, there is a certain advantage in having these things supplied even by Orientals, but at what a cost to the future! Under democracy those who till the land will certainly control the land, and step by step these people are edging in their way. What do we propose to do about it? We propose, very frankly, to make this State less desirable for these people whom we deem to be undesirable to our scheme of democracy. We would keep the land for our own. We may boycott them. I wish it were possible to ship them all away. I hear that their peculiar physical makeup, which permits them to squat for hours, is responsible for our strawberry crop, and for other things. I ate strawberries before the Japanese came here to squat. I would rather go without strawberries than to have strawberries dependent on a non-assimilable race that knows how to squat!

It is unfortunate, it seems to me, that the children of these people, born in such numbers in this State, should be eligible to citizenship. It is unfortunate that we are maintaining a hatchery in Hawaii. But I suppose we can stand a certain amount of it, if we must, and if by such action as is contemplated in this initiative act which will go far toward keeping them off the land, and if by exercising our sovereign rights in Congress and not trusting to a gentlemen's and ladies' agreement (I refer to the picture bride phase) we deny them admission, we may find that our problem through dispersal and minimizing, may be less vital.

In the meantime, it is necessary that we prepare the way for our own people to get to the land, and to work on the land; that we do everything in our power to make farm production more agreeable and to cut the excessive cost between producer and consumer. When I think of this cost it seems to me that we would better go back to crude barter and trade. I can conceive of a man swapping a ham for a pair of shoes, but I know perfectly well that under our abnormal system of distribution if a man tried to swap a ham for a pair of shoes, one man would get one shoe and the other would get the bone of the ham.

We have reason to fear Japan, unless we watch our step. Japan is deliberate in its motions. I am sure as I can be of anything that it looks forward to conquest—to settlement of many parts of the world. I do not blame the Japanese for this. I have seen a very frank statement from a Japanese professor who stated that they were in close quarters; that they proposed to expand; that the white race had grabbed off the best part of the land and they proposed to get their part of it. This isn't pleasant to consider, from the standpoint of our white descendants. It points clearly to what may happen.

I have long been an apostle of peace. I have gone as far as a man could in that direction, but I can't go far enough in my desire for peace to look forward to the Mongolizing of the State of California or the United States, nor to the creation of a mongrel race.

We stand on the edge of this continent just to resist this by the power of our expressed opinion, by our insistence on its settlement through Congress. We don't want any more of them; we shall have more of them anyway by the mere process of breeding. I hope that through state legislation many of them will be induced to go home and I hope that through federal legislation the rest of them will be kept out. This, for the sake of peace and the sake of having the only kind of American status that will lead to advancing co-operation and democracy. (Applause.)

Against the Proposed Alien Land Law

ADDRESS BY COL. JOHN P. IRISH

MR. IRISH: It is a very highly appreciated distinction to stand in this presence. I have made many addresses to audiences on this subject, and whenever I go out to make one I am reminded of some past experiences, when I was appearing before public assemblies of my fellow citizens in protest against the inhuman outrages committed in several strikes that we had here when men were murdered and mutilated for asserting their constitutional right to work without any one's consent. When I would go out and the telephone would ring at my house and an inquiry would come to my children, "Where is your father?" the answer always was, "Oh, papa is out somewhere tonight adding to his unpopularity." (Laughter.)

I have no disagreement with any one on the question of Asiatic exclusion or of exclusion of any other kind of immigration. I have no quarrel with them whatsoever. If some one will form a league to exclude the Irish and the Germans and the Russians and the Balkan races, and the Levant people, I am there with my person and my money to support it. What I mean is that I believe the proper policy for this country is to treat all nations alike. Then we would have no international complications. Propositions are made to cover this immigration question to which I have given some examination that will very nearly achieve this equality of treatment of all nations alike, without gorging this country with any one kind of people or taking them all in any faster than we can digest them.

Now, you had this subject scraped a little and treated with some very pleasant sarcasm, which I enjoyed. It is a rather serious matter. Your chairman, I believe, or the chairman of your Immigration Section, has referred to the question of the rapid increases in our population and the rapid development of our resources and their use—too rapid, perhaps. For the last thirty-five years in this country and in Europe there has been a progressive shortage in the volume of farm labor; that is to say, in that labor that produces food. This movement has been coincident with and has been caused by the rapid industrial expansion of the nations during that time. In this country that shortage of farm labor had reached an acute stage before the war. It was at an acute stage in California. It is at a more acute stage now.

You read Mr. King's book recently printed on "Diminished Returns"; and the diminished return of a people, the inhabitants of a country, appears when there has been an increasing margin between the amount of food produced and the number of mouths that are there to eat it. We have reached that diminished return in this country, and,

mindful of that, Herbert Hoover said a month ago, "We are rapidly approaching that point when the rest of the world has got to feed the United States."

Now, that is true. The Dean of the Agricultural College of Minnesota said the other day, "We are approaching wheat at $5 a bushel and bread at thirty-five cents a loaf on account of the shortage of farm labor." You have heard from one of the gentlemen here that there is an army marching and harvesting the wheat crop from Kansas north, paid $7.50 a day and board.

The question in this country is not that our development has been too rapid, but that our populative development has reached a stage where it must have a greater provision for food, and that provision can only come through an increase in the volume of our farm labor.

Now, what has been the experience of California? We had Chinese farm labor here, and the politicians and the labor unions did not like it, and we drove them out. We see red when we talk about the Kaiser violating his treaty with Belgium and calling it a scrap of paper. We set him the example when we violated our treaty with China. The Chinese Exclusion Act drove 30,000 Chinese farm laborers out of this State. We set the Kaiser the example. We violated that treaty, according to a statement in a speech by President Taft which I can find in my library. What happened after that? In the years ensuing 568,943 acres of land in California that had been cultivated and productive passed out of cultivation, and the San Joaquin valley from Bakersfield to Redding was plastered with the foreclosures of farm mortgages on land that had been tilled by the Chinese. I bought land and made a beautiful ranch in Kern County, bought it on a foreclosure sale of a bank mortgage; and when I went on that land and put up the buildings, there was not a human habitation within sight of the naked eye, and my ranch might have been described as an island surrounded by a sea of foreclosure. There was a chance for the farm laborer and the white farmer. There was a long interregnum between our exclusion of the Chinese farm laborer and the appearance of the Japanese, when that land lay open to any taker. The Bank of California employed my friend, Arthur Briggs, to take charge of these dead investments, and to see if he could realize anything from them. He never realized a dollar from those lands until the close of that long interregnum, the land lying there non-productive and open to anybody at low rates.

About the year 1898 2038 Japanese had appeared in California, many of them, but not all, farmers. They found their way upon the land, and when their skill as farm cultivators was proved, we wanted more. Japanese farmers percolated in very slowly. We drove the

Chinese out by robbery, by burning them to death. I have seen Chinese on the streets of San Francisco assaulted by a mob, with their scalps ripped from their heads. In that way we proved our high Christian civilization. We set an example to the world of our intensive devotion to the precepts of Christ. We burned many of them to death, twenty-eight of them in one night. As the poor creatures rushed out of the houses we shot them to death. It ought to be carved on tablets how civilized we showed ourselves to be.

Well, the Japanese came in slowly, and only 24,000 Japanese farmers are now in California. This pogrom is directed against that 24,000 Japanese farmers in California. There is nothing in this proposed brutal initiative that touches anybody except those 24,000 Japanese farmers in California. But our political friends, those who are in the Federal Senate and those who want to be there (Laughter) assure us that this State, with a white population of 3,200,000 people, is going to be overbred, overworked, over-bought, and overcome by the 24,000 Japanese farmers and 5070 picture brides.

Now, I belong to the white race. I have never regretted it (Laughter). I was not consulted about what race I was to be born into, nor were the Japanese; and, gentlemen, that is the reason why there is no lower nor more brutal prejudice than race prejudice (Applause); because no man can choose the race into which he is to be born. God put him there; his Creator put him there, and he is a human being; and Paul said, "God made of one blood all the men," and He did.

Then, these 24,000 Japanese farmers and 5070 picture brides have aroused all our friends as to the danger the white race is in of being chased off the face of the earth. Their extraordinary fecundity is always referred to. I have the report of the State Board of Health sent me by the Registrar of Vital Statistics showing that in the year 1919, last year, there were more white births in California than Japanese births for the ten years preceding—the whole ten years preceding. There are in California a million white women of child-bearing age, and but 5070 picture brides. It does not look like a very even race, does it? [I bet on the white women (Laughter).]

Now, this anti-Japanese pogrom, like all pogroms, had its foundation laid in two capital lies. The first was published in an anti-Japanese paper, a prominent paper in Los Angeles, that Mr. Abercrombie, Assistant Secretary of Labor, had filed in the United States Senate a statement that in the year ending June 30, 1919, 9678 Japanese had been found here illegally and deported by the Government. I knew by circumstantial evidence that that statement was a lie, because 9678 Japanese would be several shiploads. It was a transaction that could

not have escaped the notice of the newspapers; it would have been known to the Japanese Consul in San Francisco; it was published early last fall, early in the breeding of this pogrom. So I wanted to know, and I wrote to the Commissioner General in Washington city, telling what the statement was, and asking if it was true. His answer came that it was not true, that the figures would be found in his official report to the Secretary of Labor, and any other report like that I had sent him was not true.

He said that the report would be found on page 7 of the Senate Committee's investigation, and it was: "In the eleven years ending June 30, 1919, 4000 aliens of all kinds had been found illegally in the country and deported," in the eleven years. The statement was a wretched lie, but that "9678 Japanese" lie was read by thousands, and wherever I go in California and still find it, I deny it. I stand, gentlemen, for telling the truth. I was raised a Quaker, and there is a line in the Holy and solemn book that commends a man that "swears to his own hurt and abideth by it." I desire to tell the truth, and, without any mercy or compunction, expose and denounce the man who does not tell the truth, as they will find out before I get through with them.

Now, the other capital lie was this: I published a letter in the country paper in the county where my ranch is, on this subject. The reply was in the form of an interview by a member of the anti-Japanese Executive Committee in Sacramento, and in that interview he said, "Why, think of it, that in the upper end of the Sutter Basin the Japanese have already leased ten million acres of land!"

Mr. Grunsky, who sits here, knows the Sutter Basin well. He knows as I know that the Sutter Basin, from Butte Slough to the confluence of the Feather and Sacramento rivers, has in it only 60,000 acres of land. The astuteness and the sharpness and the brilliancy and the push of the Japanese have already been put before you tonight. I would like to go into partnership with any race who can lease ten million acres of land where there is only sixty thousand acres of land to lease!

You read the report of the Board of Control, and the spirit of those two statements pervades every line and statement of that report. Why, the Board of Control reports that out of 383,000 white women in the State, there are only thirty or forty thousand births. How do they know? Who counted up these 383,000 white women? Who made the intimate inquiries necessary to know? I would like to know. It is a very delicate question. As Wegg said to Mr. Boffin, "in the presence of Mrs. Boffin I will carry the subject no further." (Laughter.)

Now, the 24,000 Japanese farmers and farm workers in California are the objects of this pogrom, which, as I have shown you, rests upon two main foundations, and both lies. I stand for telling the truth. That is all that I want. I stand for the honor of my State, and I say that when the people of my State, by lying to them, are stampeded into the passage of this initiative, they are stampeded into doing an act of dishonor, indecency and inhumanity.

That initiative deprives the Japanese people in this State of the primitive rights of humanity. It is a natural right that the parent is the guardian of the child. This initiative provides that the child may be removed from the guardianship of the parent and put under the guardianship of the public administrator. If Japan should propose a law of that kind touching American children within their jurisdiction, even though there be not an American child there, our Government would very promptly and very properly demand its repeal. Yet we are going to do it.

Again, under the initiative, if I lease a house to a Japanese to live in, and he plants a hill of potatoes in his back yard—and you know they are always fond of having a little garden in their back yard—the State immediately confiscates my property by law.

In talking to a San Francisco audience on this subject, there is one thing that I never omit. When the foundations of this city were disrupted by earthquake and its buildings were shaven smooth by fire, and tens of thousands of its people were hungry and without shelter, and their condition went up with a cry to the world for mercy, Japan was the only foreign country on the face of the earth that heard and pitied. Japan sent to the Relief Committee of which James D. Phelan was chairman, $250,000 in gold.

Shall it be written that California is the only State whose people are willing to eat a man's bread and sleep on his pillow, and then stab him in the back? I hope not.

It is said they are sensitive, that they are as sensitive as we are; and when they think of that one incident in the history of San Francisco, it is no wonder that their sensitiveness is aroused. Yours would be.

Now, as to the whole subject of the Japanese farmer. These 24,000 of them we have left in California are our sole remaining dependence for dependable farm labor.

My friend here has had far more experience as an employer of Chinese than I have, because I have never hired a Japanese or Chinese except for domestic service in my house. I know hundreds of them. I am the President of the Delta Association, representing 250,000 acres of land. I know hundreds and hundreds of farmers that are in the

delta. I know every island in that great delta, and every camp. I know hundreds of Japanese, and a more orderly, sober, cleanly, industrious, law-abiding people never lived in the State of California, nor anywhere else.

Here it has been said, and the Governor repeats it and the Board of Control and everybody else, that the picture brides come over here and are put to work as farm hands. That is not true. They pick strawberries, they pick vine berries, as white women and children do; but as farm hands, they never did. A farm hand, as we know—remember, I was born and bred on a farm—a farm hand is a man who handles teams and plows and harrows and disks, and no man ever saw a Japanese woman doing that in California, or a white woman, either, thank God! Whenever we want to work white women, as they did during the war, I want to draw out.

They are sober. I have never seen a drunken Japanese in the delta. I have known hundreds of them. I have never known any of the hundreds in California but what wanted to be American citizens. They are all full of American patriotism, of admiration for our institutions. When you go into the bunk houses on my ranch, there you will find a reading lamp and you will find books, Japanese and English books. The English books are American history and biography. They are those books in which they may get knowledge of us and our institutions. If you will ask at a news-stand about the newspapers and the periodicals and books they read, you will be told they buy and read the best.

Then, they are sober, cleanly, intelligent, industrious. Therefore, we are told, they are unfit for American citizenship. I always thought cleanliness, sobriety, industry, thrift and order were qualifications for citizenship. I have known a good many people that we have brought in here that were neither clean nor sober nor industrious nor law-abiding, and we made citizens of them.

Now, this initiative: In the first place, comes the question of cheap labor. It is not cheap labor. Japanese farm labor in California is paid the highest farm wages paid in the world. This year on the ranches they are paid $5 a day. They do not work Sundays. On those ranches every day of the year at the end of the day's work every Japanese laborer goes to the bath house and cleans himself up. We have had other laborers on the islands that it could not be proved that they washed their face from year's end to year's end.

It is not cheap labor. I will give Mr. Phelan or my friend here—he is much younger than I am—I will give them more than $100 a month if they will go on my ranch and go to work, take the place of the Japanese—back to the land, boys. I have told the Native Sons of

California that they can end this in forty-eight hours amicably, without any complication, if they will simply go out on the land and go to work. That is all we want.

Food production is decreasing for lack of man power on the land. You may say we have developed our population too rapidly. Anyway, that population is here, and we have the testimony of a former Governor of California who lately wanted to be President, that a man must eat (Laughter). They cannot eat unless man power produces something from the soil to feed them.

I have been all up and down the game, gentlemen. I have farmed in California thirty years. I was born and bred on the land. I have performed all the labor on the soil. My feet have always been on the land and I am seventy-eight years old, and I intend that my eyes shall close upon the condition in which I was born, on the land; for I love it; I love it. (Applause.)

It is preposterous to say that I can do all the farm work on six hundred acres of land. I have to have somebody to do it. Send on your white men and they shall have the job. I have tried that on my ranch in Kern county. My hired men had as good as I had. I had a bath room furnished as well as in my home in Oakland. How long could I keep a farm hand there? He had the same table as I had. I never kept a white man on that ranch more than a month, and my ranch foreman was continually calling up by telephone to have laborers sent out, for all the seven years I owned the place, and in all that seven years not a single white man ever went into that bath house to take a bath. It is customary for a theoretical farmer to say we ought to furnish baths and good food and good sleeping quarters. I have done it. I have tried it all, from a ranch in the mountains, on the desert, and now in the delta. I have been all up and down the game. With me it is experience; it is not theory. I am not a theoretical farmer; I am an actual farmer. I will conclude in a minute.

Mixed races: Oh, yes; we are to look with contempt upon mixed races. Heavens! In the recent Democratic Convention here was a one-eighth Cherokee Indian a prominent candidate for United States President. That is a mixture. He is a Senator of the United States. And another one, Curtis of Kansas, a half-breed Quapaw Indian. We swell with pride when we think that the wife of President Wilson has Indian blood in her. We have been mixing a little bit around here, it seems to me. It is not necessary to advocate or oppose the mixture of the races. That is on the knees of the gods, and natural inclination is going to cover that all.

My friend says, "We admire and fear the Japanese fecundity." Mr. McClatchy, who is the successor of Malthus, and I shall call him Malthus McClatchy, has figured out by ouija board mathematics that in one hundred years these 24,000 Japanese farmers and 5070 picture brides will have bred Japanese in California about fifty to one of the white people that will be here then. It is a very sad outlook, but it means that nature is going to give an extension to the Japanese women if that is true. Now, I have figured up by the same kind of ouija board figuring, that the elder McClatchy when he landed in Sacramento had very little property. In his hands and in the hands of his family it has increased over five thousand per cent. Taking the same method of ouija board mathematics, it is easy to show that in one hundred years the McClatchy family will own all of California—the same mathematical calculation exactly. (Laughter.)

All this is done to alarm the people, to stampede them into doing an act that I say will be a dishonor to the State of California. You pretend to say that if I lease my land to the Japanese the State shall confiscate it. Adopt that thing and the first thing I will do will be to violate your law and get it into the courts, and if the decisions of the Supreme Court of the United States in the Arizona cases are considered, your law as a constitutional measure is not worth that. It is an unmistakable violation of the fourteenth amendment of the Constitution of the United States. And I propose to see whether the politicians, in their avidity for office, are going to go on making issues that touch the interests of the farmers of California as intimately as this.

I am opposed to any more Japanese and Chinese coming here, and one reason is, if they are entirely stopped from coming, I will be very much interested in seeing what the politicians will get up in order to help them on the road to office. I am very anxious to see it. That is one reason I am a strict Asiatic exclusionist. I want to see if these gentlemen have inventive genius to put up something else. God only knows what they will do, because when they get hungry for office, there is no end to what they will do. (Laughter.)

Gentlemen, Ben Wade, the Senator from Ohio, was a very fantastical, beautifully profane man. He was sent on a commission down to San Domingo to investigate it when Grant wanted to annex it. He cussed his way down and he cussed his way back. Senator Sumner asked Fred Douglas what kind of an examination Ben Wade had given to San Domingo. "Oh" he said, "it was a cursory examination." I have not intended to be cursory or discourteous. I have given you what I think are the high points in this. I am a witness before the Senate Investigating Committee. It is said that I have been paid by the

Japanese for doing this work, and I have had the pleasure of refuting this and explaining that it was a lie. Pardon these personalities, because the newspapers do not give me an even split fifty fifty, and I have to get even somewhere. I thank you very much.

I extend my heartfelt gratitude to the members of this Club for their tolerance, for their broadness of spirit, for their willingness to hear all sides; and I cannot believe that the men of this Club and the women who hear me tonight have in their hearts the intention by adopting this initiative to deprive the Japanese of the primitive rights of humanity. They are here under the protection of their treaty and our own laws. I stand like Roosevelt, "for a square deal" for them, for telling the truth about them, and that is all. I thank you. (Applause.)

The Welty Bill to Restrict Immigration

MR. MALCOLM: I stood one day on Ellis Island, that island over which and around which has streamed into these United States of ours in the last half century millions of immigrants, men and women, out of whom we have claimed to have made good American citizens; but, as has already been suggested to you by a preceding speaker, the great war has taught us that we did not make full-fledged American citizens out of those millions of Europeans and others who came to our shores.

As I stood on Ellis Island that day I thought of such men as Jacob Riis and Carl Schurz, who have come to these shores, have imbibed our ideals, economical, social and political, and who have become shining lights in American history. And when I think of those thousands and millions of men and women who have come over here and made good, and I hear some man talk about "them there foreigners," I often wonder just how many steamers ahead of those other men he came over.

While I sympathize with a great deal that has been said here tonight pro and con, I do feel that we ought to look all the facts in the face; and inasmuch as we have not had in the past a constructive, uniform policy of immigration, it is time that we were waking up to that fact and were attempting a solution. So far as I am able to discern, the bill that was presented in Congress in May by Congressman Welty of Ohio and is now pending in Congress is the most constructive piece of legislation that has ever been presented in the House of Representatives looking to the control and regulation of our immigration problem. I am going to read a few of the sections for your approval. I do not want to bore you with technicalities.

One of the outstanding features of this Welty bill is to put the regulation of immigration upon such a basis that it will not discriminate against this people or that people, but treat all alike. That is the first proposition.

There is by this bill created an immigration board composed of six members; the ex officio members are the Secretaries of State, Labor, Commerce, Agriculture and Interior. A sixth member is appointed by the President and confirmed by the Senate.

Now, into the hands of this immigration board is committed the whole problem of our immigration policy. The bill stipulates that this immigration board shall consider the whole problem of the number of aliens that have already come into the United States and are as yet unassimilated, meaning in the matter of Americanization, learning the English language, getting our institutions, adopting our ideals, both political and social. That "board shall as soon as practicable institute a comprehensive inquiry into the policies and methods and distribution

of immigration"—a question that has already been touched upon here tonight—"shall publish the result of the investigation in full, not later than two years from the beginning of the inquiry, and shall carry on all further work necessary to bring the approved results of the investigation effectively before the public."

Again, "The board shall make such rules and regulations regarding the admission of immigrants as shall enable it fully to enforce the provisions of the immigration laws; and also the necessary rules and regulations in regard to passports, certificates, and declarations required by this act, including such matters as certificates of official status, court records, receipt of charity funds, or other facts deemed necessary by the board.

"The board shall invite the secretaries of each of the States to report in January of each year in regard to—

"(a) The amount of unemployment prevailing in the State the previous year as shown by the best available statistics of employment bureaus and other reliable evidence;

"(b) The kinds of industries and occupations in which shortage of labor existed in said year; and

"(c) The kind of immigration especially desired in that State, if authorized thereto by vote of the State legislature.

"The chairman of the board shall in February of each year present to the board a printed report showing:

"(a) The number of alien immigrants of any given ethnic group admitted to continental United States during the next preceding fiscal year, and, so far as the figures are available, the total number so admitted of each such group in each year since 1900;

"(b) The number, originally belonging to such ethnic group, who have been naturalized and were residing in continental United States as shown by the last available United States census;

"(c) The number of American-born children whose foreign-born father or mother belong to any such ethnic group, and which children are residing in continental United States as shown by the last available United States census;

"(d) The amount of unemployed and also of labor shortage during the preceding year, as reported by the secretaries of the different States; and

"(e) The officially expressed desire of each State for specific kinds of immigration.

"The chairman of the board shall, upon complaint of any citizen or association, investigate the management of immigration stations at ports of entry. The Secretary of Labor shall, upon the report of the chairman of the board, take steps to correct any abuses or neglect of duty.

"The chairman of the board shall prepare a brief and simple statement of the rights and duties of aliens residing in the United States,

which shall be printed both in English and in the various languages of aliens entering the United States, a copy of which statement in his language shall be given at the time of making the pledge of obedience to each alien over sixteen years of age, as provided in section 1d (1)."

Then it comes to what I feel is one of the most important provisions of the bill. It calls for the preparation of a text book upon American citizenship for the use of an alien seeking to qualify himself for naturalization. There is a matter which I feel we have left at odd ends. I have been in our naturalization courts, and so far as I have been able to tell we have never had any uniform way of educating aliens in the ways of our institutions. We have been doing something in recent months with so-called schools of citizenship, but we have never had a uniform policy to follow with these aliens. In many cases we have turned them over to private tutors. They have trained them in stereotyped questions upon our institutions, and when a man is asked a question out of the ordinary he is up a tree. I have seen that work out in our courts again and again. In addition to that the bill provides that the admission of immigrants through the board shall depend pretty largely upon a very definite program, which program, however, may be varied as the boards sees fit.

Here are the fundamental principles laid down for the board's action: "That in April of each year the board shall determine the maximum number of aliens of each ethnic group to be admitted as immigrants to the United States during the fiscal year next following. Such determination shall be based on the report of the chairman of the board provided for in section 1a (6) and shall have regard to—

"(a) The demonstrated assimilability of each ethnic group;

"(b) The maintenance of American standards of living and wages;

"(c) The amount of unemployment and labor shortage in the United States;

"(d) The general labor and economic conditions in the different parts of the United States; whether among industrial, agricultural, domestic, or other workers; and

"(e) The adaptability of each particular group to fulfill the requirements and to meet the needs."

Here is one of the points in controversy at the present time. This one is being put before some of the most important civic bodies in all parts of the United States:

"The board shall in no case set the number of admissible immigrants from any single ethnic group above 10 per centum of a basic figure composed of those of that group in the United States who were—

"(a) American-born citizens whose foreign-born father or mother belong to such ethnic group and which children were residing in continental United States as shown by the last available United States census;"

Now, that does not mean that in every case the board is going to admit the maximum of 10 per cent. It does mean that if the board considers that we want a thousand Russians or ten thousand Russians, if that be possible under this plan, we will admit that many. It does not even stand for the matter of numbers. The board is to make a scientific investigation of all these factors and upon the basis of the scientific investigation and upon the needs of the various states, it is going to determine the maximum number.

Then, the second and most important part of this bill, it seems to me, concerns the problem of naturalization. It is almost impossible to divorce the question of naturalization from the problem of immigration. Naturally, we make citizens out of aliens, and aliens come in as immigrants. In the past our naturalization laws and the practices in our courts have not been uniform. The very situation discussed by Mr. Kent and Colonel Irish indicate that. Take this great group of American children of Japanese parents, for instance. The Board of Control's report shows that since 1910 there have been born in California alone in the neighborhood of some 20,000 Japanese children. Since 1906 the report will show, I should say, some 30,000. We do not know what the mortality in that group is. I understand it is very high because of lack of care of the children. But here we have a large group of American-born children of Japanese parents—parents who under our present laws can never become American citizens, but they themselves by virtue of being born upon American soil are American citizens. There is no other case like it in our whole history, with the exception of the Chinese, and I think there is no case like it in the history of any other country. Here we have an increasing number of adult parents, with a constantly increasing number of children, who are Americans, born of parents who cannot become citizens.

I do not care how you feel. I am here to express by own feeling, and I do feel that it is a wrong policy for the United States to bring into or allow to come into the United States a great group of alien people, to whom we will not extend the privilege of American citizenship. (Applause.)

If you feel that it is a wrong policy to admit a large number of alien people within our border to whom you will not grant citizenship, and at the same time claim that these people cannot assimilate with Americans, I ask you if it is not an inconsistent policy? We have never held out

any inducement, so far as I have been able to find out, to these alien people to become citizens. We will not naturalize them. They congregate in great centers. In our own county of Los Angeles, where we have a much larger Japanese population than you have in the north, we find them congregating in five centers. We have never held out any inducement to those Japanese to become citizens. At the same time there is a constantly growing group of American citizens of Japanese blood. One of the great weaknesses that I see in this alien land law is this: Let us say there are 100,000 Japanese in the United States. There are different reports as to the number in California; I think 70,000 would be a conservative estimate in California alone. I do not mean farmers. I mean all classes. They are here, ladies and gentlemen. What are you going to do with them? And they are here legally under our laws, under our treaty, as the gentlemen who preceded me indicated. The problem is, what are we going to do with those sixty or seventy thousand Japanese? You know as well as I do the California land law cannot take away from these twenty or thirty thousand American-born Japanese the right to own property as they come into their majority; and what is going to be the relationship between that large and growing group of Japanese of American citizenship and this other group of Japanese aliens within our territory?

Now, every Japanese born upon American soil, if not born in an embassy, is born within the jurisdiction of the United States, and by the constitution and by recognized law has all the rights and privileges which are granted to you and me as American citizens.

I hold no brief for the Japanese, but I think we must face the facts as we find them; and I say to you that no amount of agitation is going to solve this problem and solve it correctly, until we get the facts. We owe that to ourselves and we owe that to the Japanese and all those aliens.

One of the provisions of the proposed immigration law is that we should somehow work out a policy of naturalization in conjunction with a consistent policy of immigration, and do away with the old restrictions in the law. For instance, the naturalization laws are extended to all white persons and persons of African descent. In other words, the man must either be white or black or he cannot be naturalized. We have naturalized the Tartar, the Turk, the Finn; we have naturalized other races which the ethnologists tell us belong to the Mongolian race, and we have naturalized the American Indian, who also belongs to the ineligible races. At the same time we have also naturalized blacks and said that all Africans or persons of African descent are eligible. When this question was being discussed before Congress in the early '70's, one

of our Senators asked this question: "Do I understand now that since we have changed the law to read, we extend the naturalization laws to white persons and persons of African descent, that a black man from the blackest part of Africa can come into the United States, and if he can meet the laws as to educational qualifications, etc., he can become an American citizen, while this other man from a university, a Chinese or Japanese, cannot become one?" and the conclusion was that that is exactly what the law means today. If a Kaffir were to come into the United States today and he could meet the formalities of the law, he could become an American citizen through naturalization; but the most educated, refined Oriental, Chinese specifically, Japanese by court interpretation, could not. It is a very common misconception that there is a general law today excluding Japanese from American citizenship through naturalization. The only people who are excluded from naturalization by law are the Chinese, and wherever we have excluded the Japanese it is by court's interpretation of the term "white person." And the courts have not been uniform there. One of our judges had before him a black man, as black as a negro, who belonged to a Hindu race, and after a long argument it was decided that "white persons" cannot refer to a man's skin or the color of his hair or whether it had a kink or no kink at all. It must refer to a particular race. Therefore, it refers to the Caucasian race. Therefore, this East Indian, who belongs to the Brahmin caste must belong to the Caucasian race. Therefore, this black man is a white person. Therefore he is eligible to citizenship.

Another case was that of a man whose father was an Englishman, whose mother was half Japanese and half Chinese. After going through all the ideas of the ethnologist, this court argued that that man is not a Caucasian; his mother was half Japanese and half Chinese; his father was an Englishman; now, what is he? The court says he is not a negro, because they are eligible, and he is not a white person. Therefore, he is ineligible.

In another case of a man whose father was a Canadian and his mother was an American Indian squaw, the court said: "Why, this man is neither white nor black; therefore, he cannot be naturalized."

That is the way the thing has gone. There has never been a Supreme Court decision of what constitutes a white person; and when we have excluded the Chinese we have done it by specific act, and the Japanese by court interpretation, because he is not a white person. Previous to that rule of 1911 by the Bureau of Immigration, about one hundred Japanese were naturalized in the United States because the court said they were white. I have in my study at home at least one

hundred papers of Japanese that were naturalized previous to the issuance of that order of the Bureau of Immigration.

We must face, as I see it, the great problem of immigration. The first great movement in the world's history was on the Mediterranean; the second on the Atlantic; and the third will probobly be on the Pacific.

Here we are facing four hundred and fifty to five hundred and fifty million Orientals, and the great question today is not who is going to master the Pacific, because that is impossible from a physical standpoint. The great question is, how are we going to live together as world neighbors? I consider this Welty bill one of the most constructive measures that has been suggested. What is the alternative? To let this drift as things are under the present gentleman's agreement, or, under a very drastic alien land law, which I feel is only agitating the question instead of solving it. And California cannot solve this problem alone. It is a question for the national government; and it is not only a national but an international question. (Applause.)

THE PRESIDENT: Under our five-minute rule there have been several requests sent in to the Chairman for an opportunity to speak to the meeting. I will ask Mr. Howells, member of the Section on Immigration—

A MEMBER: He has gone.*

Remarks by Wallace M. Alexander

MR. ALEXANDER: This Oriental question is one of the most fascinating questions that any one can deal with. It gripped me four or five years ago. I realized then that we here on the Pacific coast, the forefront of the United States, were facing the great nations in Asia, and it was up to us, perhaps more than to any other citizens of the United States, to solve this question. For that reason I visited Japan in 1919 and again in 1920 with a committee from the San Francisco Chamber of Commerce.

The initiative bill was in the air then, and I felt it was up to us here in California to get across the Pacific before that question had fully come up in Japan, and explain the attitude of California on the Japanese question. We were invited over there by Mr. Baron Shibusawa, a man of some eighty years of age, a man of great wealth, a man international in character, a man who above all things desired to bring about a better understanding between his own race and the United States.

I will not go into the details of our trip. Suffice it to say that for ten days we met every morning from half past nine till half past twelve o'clock and talked on these questions that were so pertinent to both

* Mr. Howell's statement will be found in the Appendix, page 210.

races. Eight days of that time we discussed the question of California in its attitude towards Japan. I felt that it was of no use at all to cross the ocean and talk to these people unless the committee could speak out what was in their minds, and we carried that program out. We talked about assimilation, we talked about the situation up in Florin, which had been exploited so much in the newspapers; we told them as near as we could why the Japanese were not popular in California. They took it in very good part. They asked us to speak out, and we did.

Now, to my mind the whole solution of this question lies in the Oriental traits. The Orientals are very different from us; they think very differently; they have different standards of honor. But of all things they want to "save their faces." I believe in the saving of the face of Japan lies the solution of the problem.

I saw an article in this morning's paper to the effect that Mr. McClatchy had suggested some reciprocal arrangement between Japan and the United States, whereby they could pass some law that would exclude the citizens of the United States and we could do the same. I do not know whether that is exactly the solution, but I believe that something of that kind can be worked out so that we can continue to have a friendly feeling between ourselves and them. I do not believe in the initiative bill in its form at present.

I do not believe in large immigration of Japanese to this country. I do not think they could be assimilated. On the other hand, I do not think the initiative is just or fair to the Japanese people here. In the first place, the question of their having a public administrator act as the guardian of Japanese children seems to me like throwing the thing into the hands of the politicians. I have had some experience with public administrators. I know how they have been appointed and why they have been appointed, and I would be very sorry to entrust any estate of mine to their hands, and I believe we would have constant trouble from that thing.

I think you have to treat the Japanese here fairly, no matter how they came. They are here, and we have got to see that they are treated decently and respectably.

To my mind the situation in California is only a symptom. The only way to cure this is through the Federal Government. You will pass a law now and then you will want to pass another law a little later about the school children, and you will simply be pin-pricking the whole Japanese situation. I think the only place to deal with it is at Washington. I think Washington has been very derelict. I think they have not been careful about allowing the Japanese people to come in over the border, but there is a cure for this. (Applause.)

Remarks by John P. Irish

MR. IRISH: I have been informed by a friend that there is a feeling that I was inconsistent in my statement that I have never hired any Japanese or Chinese except as a domestic. When I spoke of the Japanese in my bunk house—I do not hire them at all. My tenants hire them. The bunk house is on my land, but I do not hire the labor; my tenants hire all the labor.

THE PRESIDENT: The subject is open to further discussion under the five-minute rule.

MR. GREGORY: I think we should hear more from Mr. Alexander. That is the most interesting phase of the question that has been discussed.

THE PRESIDENT: If there is no further call, we would be very glad to hear further from Mr. Alexander.

Remarks by Wallace M. Alexander

MR. ALEXANDER: I was reading in the Outlook the other day a statement made by Mr. T. Hara, Premier of Japan, about international relations and about the best way of preserving international union and friendship, and I am going to take the opportunity here of reading it to you: (Reads.)

"We must recognize and honor the individuality of nations—that is to say, the different corporate inheritance of each—and then strive to find therein the true foundation of internationalism by laying hold of the eternal things in each nation which fundamentally unite our common humanity. Variety, rather than detracting from, adds to the final strength and beauty of the international structure; and that structure we must set ourselves to raise in a spirit of tolerance and respect for the varying genius of the different nations.

"Herein lies the fundamental principle of the world's peace."

Now, this was written by a Japanese statesman, and I do not think it can be improved on by any of the statesmen in our country. These things have to be dealt with along the broadest and biggest lines.

In California we are met by a situation where racial hatred has come in to a very large extent. We cannot take chances on that. If we let it go on as it is going now the first thing you know we are going to have a riot, and we are going to have bloodshed, and we are going to have a repetition of the Denis Kearney sand-lot riots in California. We must find some solution of this problem before it gets to that point. As I said before, it is not coming through this initiative. It will meet the situation temporarily, perhaps, of excluding the Japanese, but what are

you going to do with the men that are here. They cannot lease land or own land. They are going to be itinerant laborers. They are going to wander from place to place. They are not going to make good residents of California. There are only three things they can do: Go on the land as hoboes from place to place trying to find work, or go to some other state, or leave the country.

In my opinion the purpose of the initiative is to drive the Japanese out of California. I think that is the ultimate object of the initiative. But before you do that you are going to meet a great deal of opposition, a great deal of antagonism, and it may lead to very serious consequences.

I think there is a great deal in what Mr. Malcolm said about the Welty bill. I think we have got to begin and study these problems on a very broad, constructive line. I do not see exactly how some of those possibilities, how some of those problems are going to be worked out, but I think it is an excellent beginning. But before that can be put through something has got to be done, and I believe that some means can be arrived at through our administration in Washington to meet the proposition, exclude them from coming here any more, save their faces, and preserve the situation until we can get something that is absolutely constructive. (Applause.)

Remarks by William Kent

MR. KENT: The last speaker spoke about relying on Washington. Washington, I assure you, is extremely ignorant of our California problems. I think you will still find people in Washington that are as far back as they were at the time when we first faced the Chinese question. Now, Colonel Irish continually alluded to a certain number of farmers here. I don't know where he gets his figures. The last census of the population was 66,948 (the present estimate is 100,000) and on the fecundity, with which he had such a joyous time, the figures in this Board of Control report are twenty-eight per cent Japanese as against nine and nine-tenths per cent white.

Now as to the question of guardianship which Colonel Irish and several other speakers have mentioned as being wrongfully applied in this initiative. The question of guardianship solely applies to the land, on the theory that the State is endeavoring to control the land and has nothing to do with personal property or other matters of children excepting the land.

Colonel Irish was delightful as usual in his criticisms of those who are desirous of serving their country. We people who have that more or less chronic habit will doubtless find many other things to speak about and I have spoken out of a sense of duty on this topic in my

various going about the state. It is a very disagreeable thing to take up. In a sense, it is so much easier to gush about brotherhood than to face the stern race situation that is before us.

Now as to the Welty bill. That bill is based on the old Gulick theory that the ethnic groups already in the country should be recognized in future immigration restrictions. I can see nothing more absurd or illogical than that proposition. If we grant that any ethnic group is something we don't want here, why do we want any more of it? It is just as sensible as adding more boils to suffering Job, who had boils enough. The question of immigration and what we propose to do about it is absolutely and inherently our own business and nobody else's. I have felt that it was not sufficiently defined as such in the proposed League of Nations. We cannot but consider the intrusion of the views of other countries on this subject as anything but the apotheosis of insolent impudence. (Applause.)

THE PRESIDENT: We have three minutes left of our time, and I will ask Professor Malcolm if he has anything to say with respect to what has been presented.

Remarks by Roy Malcolm

MR. MALCOLM: I would like to say in reply to Mr. Kent, this bill does not contemplate the admission of all people. If the Immigration Board sees that we do not want a particular people, we will not admit those people. We have got to face the fact. If you run over the immigration reports for the last few years, you will find there have been so many of this people and so many of that people. This is the first constructive thing of that nature that has been presented. It is only a beginning. The most ardent advocate of it does not claim that this is going to solve all our ills. But in heaven's name, let us get a start and put the thing on a logical basis. Nothing can be worse than our present policy. Any one belonging to this committee, whether they be from any other profession, members of Congress, educators, social workers—I don't know but what many of us would be in favor of cutting off all immigration until the see "where we are at"; but let us get something constructive and not simply agitate the problem.

THE PRESIDENT: The hour of adjournment has now arrived. Unless the members desire other action, the meeting will now stand adjourned.

APPENDIX

Remarks by J. M. Howells*

MR. HOWELLS: I believe that Orientals now here should be well treated but no more allowed to immigrate into the United States. Not because they are such bad people, for they are not. In fact after traveling twice around the world and living three years in Japan, it is my belief that the Japanese people, whom we now object to most, manage their country in some respects better than we do ours, and this is certainly true if safety to life and property be the broad criterion. I make no defense for such shortcomings as are often referred to as "unmorality", or for their recent tendency to profiteer, but good order usually prevails in Japan.

Happily the question of our own immorality and tendency to profiteer is not just now under consideration.

Let us give truthful reasons why we close our doors to Japanese citizenship, then these people will sympathize with us and respect us for our stand. The reason is beacuse by their ambition and activity they will ultimately bring an issue as to the control of our country and therefore bring war.

Any two individuals who marry or form any other species of partnership knowing discord to be inevitable do wrong to form such partnership, and our court records form a voluminous history of the woes of such misguided people; and any two incompatible races do wrong when they undertake to live and work as one nationality. The history of the world testifies still more voluminously to the woes of such misguided races. This reason is sufficient and need not be offensive. Why then give offensive reasons for guarding our country against undesired immigration and its inevitable serious consequences?

We have learned from experience that Orientals are not compatible, for before the Chinese Exclusion Act we were disgraced right here on the Pacific Coast by the treatment of resident Chinese by a certain type of our native population, and now we are taking an unfriendly attitude toward the Japanese. Then, we said, "take away the Chinaman and give us the Japanese," now we say "take away the Japanese and give us the Chinaman." It is easy to see we must not have either here as a competitor, or race hatred and ultimately war is inevitable. This is not on account of the faults of either of these Orientals but because he requires us to revise the economic habits upon which our civilization is based or lose our property and ultimately our country.

* Prepared but not delivered, and published by order of the Executive Committee.

There never can be a proper balance between the two races, an element so essential for assimilation. Let the good missionary who tells us we can assimilate them by a conduct inspired by brotherly love, devote himself to our capital and labor problem where no race question is involved. Let him solve this before giving us a more difficult task. When we consider men as they are and not perhaps as they ought to be, we see there is no hope of changing our attitude towards Orientals when they are in competition with us on our own soil. That has been well proved by our treatment of the Chinese forty years ago and of the Japanese today.

Our system of education is partly responsible for our inability or unwillingness to compete with the Oriental. We educate our sons to be overseers of the labor of others and expect our neighbor to furnish a son who will not mind doing the hard work. The war has upset us more and we are now in a delicate condition. While the Japanese toils in the field we ride in a luxurious automobile and while thus frittering away our racial stamina, he is building up or at least sustaining the primitive rugged strength which has for generations furnished Japan from her rural districts, with her strongest national figures. We may well beware of the Japanese until we have at least abandoned some of our luxurious habits.

For generations the Jews and Gentiles in Russia, and the Armenians and Turks in the Balkans, have proved that when people cannot assimilate it is folly to live together in economic competition. Our conduct towards Orientals proves the same, and now that we are not in our full strength we should see to it that each race should hold property in his own country only, but properly invite the other to visit for travel or education. If either needs labor or commodities which can be furnished by the other country without injury to the interests of its laboring element or commodity producers at home, each race should be free to secure it.

This brings us to another phase so close to the subject in hand that it should be mentioned now. We are, for the reasons given, economically lame for want of certain labor, and yet while lame are expected to send great crusades to Europe to prevent one so-called civilized nation from robbing and murdering its neighbors. It is plainly our duty to send such crusades and our greater duty to keep up our economic strength so such a crusade will succeed. To those who believe this and also believe that our great, but temporary, need of farm labor is largely responsible for the influx of undesired immigrants, who exploit us in our distress but do not help us, I commend the report of the Economic Committee of the Immigration Section of

the Commonwealth Club, published in the Club's proceedings of last January. In that number is described a plan by which, as a temporary expedient only, Chinese labor can be got for certain of our farm necessities and in a way to help the poor man more than the rich, keep that fundamental industry in healthy condition, and give the Chinese a chance to get work here under certain restrictions and depart from here according to their own free will, so that no taint of even voluntary slavery, accompanies their engagement.

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TRANSACTIONS

OF THE

COMMONWEALTH CLUB

OF CALIFORNIA

VOL. XV SEPTEMBER, 1920 No. 5

Constitutional Amendments of 1920

The object of the Commonwealth Club shall be to investigate and discuss problems affecting the welfare of the Commonwealth, and to aid in their solution.—Constitution, Article II.

The Commonwealth Club shall maintain itself in an impartial position as an open forum for the discussion of disputed questions.—By-Laws, Section 10.

SAN FRANCISCO, CALIFORNIA

1920

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TRANSACTIONS
OF THE
COMMONWEALTH CLUB
OF CALIFORNIA

VOL. XV SAN FRANCISCO, SEPTEMBER, 1920 No. 5

CONSTITUTIONAL AMENDMENTS OF 1920

By order of the Board of Governors the August meeting of the Commonwealth Club of California was set aside for the consideration of the constitutional amendments and referred acts to be passed upon by the voters of the State at the general election of November 2, 1920. The measures were assigned to the several sections of the Club in accordance with their subject, and the sections were requested to advise the Club members of the reasons for and against their adoption and to make such recommendation as might assist the members in casting their ballots. The reports of the Sections were presented to the Club meeting of August 19, 1920. Besides the section reports the most important measures were discussed in ten minute arguments by speakers for and against, and "straw votes" taken to ascertain the opinion of the members present at the discussion. About one hundred and fifty members were present at the discussion and a considerable proportion did not vote. The following summary of the proceedings of the Sections and the Club meeting on the separate measures is given for convenience of reference:

NEW CONSTITUTION—Senate Constitutional Amendment No. 10—Instructing the Legislature to call a convention to prepare a new Constitution; fixing the number of delegates to be chosen at one hundred sixty-three, of whom one shall be chosen from each assembly district, one from each county, and twenty-five from the state at large.

Considered by Constitutional Convention Section; Curtis D. Wilbur, Chairman; A. E. Bolton, Albert E. Boynton, H. U. Brandenstein, Marcel E. Cerf, O. K. Cushing, Wm. Denman, Warren Gregory, Beverly L. Hodghead, Wm. Carey Jones, Walter Macarthur, H. A. Mason, James W. Mullen, Chester H. Rowell, Charles A. Shurtleff, Grant H. Smith, J. F. Sullivan, Edw. F. Treadwell, U. S. Webb, Andrew Y. Wood.

Majority report by Chairman Wilbur against convention; minority report by Chester H. Rowell for convention. Vote of Section: Yes, 3; No., 13.

Vote of Club Meeting: Yes, 70; No, 23; not voting, 57.

AMENDMENTS AFFECTING TAXATION: Considered by Committee on Taxation; Herbert W. Clark, Chairman; Louis Bartlett, Albert Burch, Leslie E. Burks, Lester G. Burnett, John U. Calkins, R. S. Chapman, Geo. A. Clough, John P. Coghlan, T. C. Coogan, Joseph Cumming, Monte A. Dernham, H. D. Dewell, F. T. Duhring, Paul Eliel, W. C. Fankhauser, Will H. Fischer, M. L. Gillogly, John Ginty, J. G. Hooper, Thomas Jennings, F. V. Keesling, J. S. Lamson, H. A. Mason, Louis H. Mooser, Wilfred Page, J. W. Payne, L. E. W. Pioda, C. C. Plehn, J. H. Scott, Clyde L. Seavey, S. C. Smith, Geo. E. Springer, Walter H. Sullivan, Clarence E. Todd, Milton T. U'Ren, Edw. F. Treadwell, E. A. Walcott, Roy R. Waterbury, Wm. M. Wheeler, W. R. Williams, Leonard A. Woolams, Percy A. Wood, E. R. Zion.

State Aid to Children, Senate Constitutional Amendment No. 19—Providing for state aid for children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation.

Section reports in favor unanimously.

Club Meeting votes: Yes, 64; No, 4; about 82 not voting.

Exempting Orphan Asylums, Assembly Constitutional Amendment No. 40—Exempting from taxation buildings and real estate for orphan asylums sheltering more than twenty orphans or half-orphans.

Section reports adversely by unanimous vote.

Club Meeting votes: Yes, 2; No, 89; about 59 not voting.

Poll Tax on Aliens, Assembly Constitutional Amendment No. 13—Providing for annual poll tax of four dollars on every alien male, from 21 to 60 years, for the school fund.

Section reports adversely, only one voting for amendment.

Club Meeting votes: Yes, 6; No, 72; about 72 not voting.

Single Tax (Initiative)—Providing for a single tax on land values fully effective in 1925.

Section reports adversely: Yes, 3; No, 25.

Club Meeting votes: Yes, 8; No, 85; about 57 not voting.

School System (Initiative)—Providing for an increase of school taxes and appropriations by state from $17.50 to $30 per pupil in average daily attendance; by counties from $21 to $30; high school appropriations from $15 to $30 per pupil, by state $60 by county; state moneys and 60 per cent of county moneys to go to pay teachers.

Section reports adversely: Yes, 1; No, 27.

Club Meeting votes: Yes, 60; No, 17; about 72 not voting.

University Tax (Initiative)—Levying an ad valorem tax of 12 cents on each $100 of all assessed non-operative property. Money to be kept in special "State University Fund" and drawn only on order of the Board of Regents.

Section report adverse: Yes, 3; No, 22.

Club Meeting votes: Yes, 37; No, 62; about 55 not voting.

Highway Bonds (Initiative)—Increasing interest rate on $40,000,000 highway bond issue from 4½ per cent to 6 per cent maximum.
Section report adverse: Yes, 5; No, 10.
Club Meeting votes: Yes, 61; No, 31; about 58 not voting.

Restricting Initiative (Initiative)—Increasing from 8 per cent to 25 per cent the number of signatures required to submit taxation measures to the voters.
Section reports in favor: Yes, 21; No, 8.
Club Meeting votes: Yes, 35; No, 72; about 43 not voting.

Community Property Act (Referendum)—Senate Bill No. 471, approved May 27, 1919, and held up on referendum petition. Provides that on the death of the wife, one-half of the community property goes to the husband and the other half is subject to disposal by will of the wife. On the death of the husband one-half goes to the wife and the other half may be disposed of by will of the husband. If the will gives the property of the decedent to a person other than the surviving spouse or a lineal descendant the consent of the survivor in writing attached to the will is required.
Club Meeting votes: Yes, 7; No, 83; about 60 not voting.

Absent Voters—Assembly Constitutional Amendmane No. 10—Providing that traveling salesmen absent from their residence on election day may vote.
Committee report adverse by unanimous vote.
Club Meeting votes: Yes, 1; No, 49; about 35 not voting.

Anti-Vaccination (Initiative)—Annulling all laws requiring vaccination as prerequisite to admission to schools, etc.
Club Meeting votes: Yes, 8; No, 43.

Anti-Vivisection (Initiative)—Forbidding experiments on animals for testing or developing curative measures against disease.
Club Meeting votes: Yes, 3; No, 51; about 30 not voting.

Chiropractics (Initiative)—Establishing a board to examine chiropractic practitioners, and to regulate their practice.
Club Meeting votes: Yes, 0; No, 39; about 40 not voting.

Irrigation (Referendum)—Senate Bill No. 493—Amending the Irrigation Act of 1897 to permit the organization of a district to be proposed by a majority of property owners or by five hundred petitioners to be either electors or property owners therein.
No vote.

Prohibition Enforcement (Referendum)—Senate Bill No. 390, approved April 16, 1919. Provides for use of the peace officers of the state in enforcement of the prohibition amendment and the laws passed therefor.
Club Meeting votes: Yes, 44; No, 0; about 25 not voting.

Club Meeting of August 19, 1920

The regular monthly meeting of the Commonwealth Club of California was held at the Hotel St. Francis on Thursday, August 19, 1920. At the conclusion of the business meeting that followed the dinner, President C. E. Grunsky called the members to order as follows:

Remarks by President Grunsky

THE PRESIDENT: The topic that has been selected for this evening's discussion is, "The Constitutional Amendments of 1920." Under our system of legislation by initiative and referendum, it is important that the individual voter inform himself of the scope and purpose and effect of the measures which may be proposed for enactment into law, or which, under referendum, may be nullified by an adverse popular vote. This is a burden placed upon the citizen which is all too frequently shirked. The vote as cast is not always creditable to the intelligence of the American people. This is due to inherent defects of the system, particularly in the case of the initiative. The measures may have been prepared without the benefit of discussion or review by persons skilled in the framing of laws, and, though their intent may be generally desirable and acceptable, they are frequently encumbered with provisions which make them onerous or undesirable.

The ordinary citizen is apt to view an initiative measure with suspicion. He fears that some particular group or class is trying to put something over, and is naturally inclined, when he does not fully understand, to let the law remain as it is rather than enter upon an unwise experiment. His first impulse is to vote "No."

The Commonwealth Club has set this evening apart for a presentation of some of the arguments for and against the more important measures which will apear upon the November ballot to be voted upon. We may regret that the initiative has been made so easy, and that so many are willing and anxious to substitute direct legislation for action by our Legislature. But the regret does not avail. The initiative measures must either be adopted or defeated. The question is, How shall we vote?

It is expected that, under the program arranged by your Governors, the evening will be fully occupied by those who have consented to address us on the pending propositions. There will be little opportunity for general discussion. The Governors have suggested that, after the presentation of the arguments for and against each measure, a show of hands be called for, a "straw vote," so to speak, be taken, and recorded, which will in some measure indicate the sense of the meeting, but will in no way bind the Club.

The first of the measures to be considered is the proposed constitutional convention. The report of the section on that subject will be presented by Justice Curtis D. Wilbur of the Supreme Court of California. I present Justice Wilbur. (Applause).

A Constitutional Convention—S. C. A. No. 10

Senate Constitutional Amendment No. 10—NEW CONSTITUTION.

Provides for calling a constitutional convention—The next Legislature to make provision for election on non-partisan ticket of 163 delegates—one from each assembly district, one from each county, and 25 at large. Delegates to meet within nine months after election and submit proposed new constitution to the voters at a special election.

Majority Report Against the Amendment

JUSTICE WILBUR: By appointment of your President a committee composed of the following members: A. E. Bolton, Albert E. Boynton, H. U. Brandenstein, Marcel E. Cerf, O. K. Cushing, Wm. Denman, Warren Gregory, Beverly L. Hodghead, Wm. Carey Jones, Walter Macarthur, H. A. Mason, James W. Mullen, Chester H. Rowell, Chas. A. Shurtleff, Grant H. Smith, J. F. Sullivan, E. F. Treadwell, U. S. Webb, and Andrew Y. Wood, have had two meetings for the purpose of considering the advisability of voting for the proposed constitutional amendment authorizing and requiring a constitutional convention, namely, Senate constitutional amendment number 10, (Stats. 1919, p. 1461) Sec. 2, Art. 18. A majority of the committee were against the proposed amendment. I was directed to report for the committee and will endeavor to state some of the grounds of opposition expressed by various members of the committee. Mr. Chester H. Rowell, who favors the adoption of the amendment, has consented to express his views at the conclusion of this report. Two other members of the committee were also in favor of the amendment.

1. The majority were of the opinion that the time was inopportune for the holding of a constitutional convention because of the general feeling of unrest still prevalent in this country as a result of the war, and that such feeling would affect the deliberations of the constitutional convention, and that as no definite reform was proposed to be accomplished by the convention, the holding thereof without such definite object in view would be unwise and that the expenditure necessarily required thereby estimated at a million dollars would be unjustifiable.

2. Another objection results from the fact that the constitution has of late been so frequently amended in such important particulars that we have scarcely yet digested the proposed reforms or fully ad-

justed ourselves to the amendments already adopted, the scope and effect of which, in view of other provisions in the constitution and of the amendments to the Federal constitution, are not yet fully determined.

3. The substitution of any new constitutional scheme as distinguished from a mere amendment to the existing constitution would necessarily result in the loss of the fruits of nearly forty years of litigation, by which the meaning and effect of the present constitution have been established by the courts. Many of these constitutional questions have been settled after long and expensive litigation, the results of which are a benefit to the entire State, although the cost thereof has been paid by private litigants.

4. The present constitution has proved to be workable and adapted to the needs of the State and the mere fact that from a literary standpoint it may be classed as patch-work and that new amendments are difficult of adjustment with reference to other constitutional provisions, is not a reason for the re-framing of the entire document in order to make what might seem to be a more harmonious instrument. The substantial question is whether or not the present document has proven itself to be workable and reasonably satisfactory.

5. It is suggested that one reason for the change is that the present constitution contains much matter of a legislative character and that the constitution might be simplified by an amendment leaving to the Legislature or to a constitutional code what is properly statutory rather than constitutional law. In this connection it should be borne in mind that one of the reasons for the adoption of the constitution of 1879 was to restrict the powers of the state Legislature and that many of the provisions of that constitution were adopted with that purpose in view; that the simplification of the constitution necessarily means increased confidence in the state Legislature, and that the people of the State have made it evident, both in the character of the constitution of 1879 and its amendments and by the various amendments to the charters of the large cities of the State, that they are not disposed to trust full legislative power to either the state or local Legislature.

As to the brevity of the proposed constitution it is evident that to receive the approval of the voters such a constitution would have to provide for the initiative, referendum and recall, for the Railroad Commission, and Industrial Accident Commission, and for the present system by which under charters of cities, counties, and cities and counties, local self-government is assured in full measure, and when such matters have been so provided for the hope of a simplified or shortened constitution has been entirely dissipated.

6. It is suggested that the judicial system could be reformed. While this is no doubt true, until the people are more generally ready to accept an appointive judiciary or to extend the terms of judicial office, it is doubtful if greater reforms could be achieved than under the present constitution, which by reason of recent amendments prohibit appellate courts from reversing cases except for miscarriage of justice. These amendments, it is to be observed, also have not been fully worked out by judicial decision.

In conclusion it may be repeated that the whole tendency of modern development of reform legislation makes it clear that the people of the State are almost unanimously in favor of increasing the sphere of local self-government and preventing legislative or state interference so far as possible with such government. This includes county as well as city government and evinces a growing distrust in untrammeled legislative discretion. Both of these tendencies make it impossible to secure the adoption of a simplified constitution and point to the fact that any changes in our structure of government will be more effectively wrought out by amendment to the present constitution. Many of such reforms have been already suggested and some of them have been proposed to the people, such as the amendment giving the courts power to adopt rules of practice covering the whole field of procedure. But some of these reforms, like that just noted, have failed to secure the approval of the people. (Applause.)

THE PRESIDENT: If I have correctly understood the report, there is a recommendation there against the holding of the constitutional convention. We will now ask Mr. Chester H. Rowell to talk to us in favor of holding the constitutional convention. I present Mr. Rowell.

Minority Report for the Amendment

MR. ROWELL: If it were a mere question of demonstrating the badness of the present constitution, I presume we might take that as stipulated. No one has arisen to dispute the judgment of Lord Bryce, who declared our California constitution the worst in the world, and printed it as a supplement to the American Commonwealth as the ultimate horrible example of what not to do. And it is much worse now than it was then. Even those who now advocate keeping this constitution do not defend it. But they pretend that even the worst constitution, if you have got it, is better than a better one, if you have to get it. Everybody agrees, not merely that the present constitution is wrong, but what sort of a constitution we ought to have in its place. This Club could write such a constitution, and did six years ago. But most of us think that the people could not elect a convention as intelli-

gent as we are; or, if they did, that the jar of getting off the wrong track on to the right one would be a worse evil than staying on the wrong track. The conservatives are scared because the people are still crazy, and we must wait until they recover their "sanity"—which means, when they cease to cerebrate and think only with their subconscious memories. The progressives are scared because they fear to lose some of the progressive patchwork which we have pasted on the present constitution. The Supreme Court is scared because it has spent forty years trying to make sense out of part of the present constitution, and wants forty years more to finish the job. And some hundreds of thousands of people don't know and don't care anything about their or any other problem of government, and have a characteristic contempt for those who do. What are the fundamentals of government anyway, as compared with the issue which Irishman shall own which Italian, who is to vote wet as the representative of the Thirty-third Assembly district?

The proposition for a new constitution must face all this handicap. And statistics show that there is an average interval of thirty years after informed opinion is unanimous on a certain subject before that informed opinion penetrates popular opinion—as represented, say by the Supreme Court, the Bar Association, the Chamber of Commerce, and—shall I say it?—the Commonwealth Club. It is not quite thirty years since the publication of the "American Commonwealth," and informed opinion in this country may not have become unanimous until some years after that. So, while I hope to see the proposition for a new constitution carry this time, I shall not despair of the republic if it fails. We have waited longer than that for even more obvious things —the budget, for instance, in which we still lag behind the negro island of Barbados, in the West Indies, or the native kingdom of Tonga, in the South Seas, where the inhabitants still live in grass huts and dress chiefly in tattoo. I speak not rashly, but upon investigation and knowledge when I say that both of these have far more civilized budget systems than the United States has yet, or than any American state had four years ago. So if, in the matter of an intelligent constistution, California must still lag behind Czecho-Slovakia, I am resigned to watching it race with Turkey for the next-to-the-last place. But at least, in the meantime, I am going to keep on speaking. And if I sometimes use shocking language, remember that the voice crying in the wilderness may have to cry raucously, if it is to be heard.

The first of the indictments against the present constitution is the frequently repeated fling that, under it, "everything is unconstitutional." Of course, like most epigrams, this is not quite unconditionally true.

I have looked up the ballot propositions for the past ten years. I find that at the special election of October 10, 1911, there were submitted to the people twenty-three propositions, all of them to enact, or to authorize the Legislature to enact, laws which would have been unconstitutional if enacted by the Legislature. In 1912 there were eight propositions submitted, four of which were to enact, or to authorize the Legislature to enact, legislation otherwise unconstitutional.

In 1914 there were forty-eight propositions on the ballot, twenty-two of which were amendments submitted by the Legislature to enact or authorize legislation which it could not pass, and most of the rest of which were initiatives for the same purpose. In all, thirty-five of the forty-eight propositions proposed measures which would have been unconstitutional if passed by the Legislature.

In 1916, for the first time I think since 1879, there were no constitutional amendments, and of the seven propositions on the ballot, all were initiatives, referendums or bond propositions which would have been submitted to the people under any constitution.

In 1918 there were twenty-five propositions on the ballot, twenty-two of which proposed the enactment or authorization of legislation otherwise unconstitutional.

In 1920 there are five constitutional amendments submitted by the Legislature and at least seven of the initiatives which propose action otherwise unconstitutional.

In other words, there have been proposed to the people of California during the past ten years one hundred and thirty-one propositions, ninety-six of which were for amendments to the constitution enacting or authorizing specific legislation which would have been unconstitutional if enacted by the Legislature. Only a very few of these propositions were real amendments, going to the structure of government. Also, very few of them were unconstitutional by reason of violating the bill of rights or other general principles of constitutional limitation. Nearly all of them were unconstitutional because they were proposals of additional or changed legislation on subjects on which there was already legislation in the constitution, and on which, therefore, any additional legislation or amendment by the Legislature was automatically unconstitutional.

How many of these proposals were actually passed, and how many were meritorious, I have not checked up with exactness, but I am confident, from general impressions in going over the list, that it was much more than half of them. Some, of course, each year, were "freak" or pernicious, and were defeated. But some of the worst in this class were

not in the above computation of ninety-six, but were in the others, which I have listed as probably constitutional if enacted by the Legislature.

This list includes some of the most important legislation ever enacted in California, including all the important judicial reforms and extensions; the direct primary (beginning before this computation); workmen's compensation (twice); railroad commission (three times); health insurance (defeated); to say nothing of women suffrage and the initiative, referendum and recall, which ought perhaps not to be included, since they are properly constitutional and not legislative subjects. It will include any adequate system of rural credits and land settlement. In fact, it is likely to include any legislation of fundamental importance.

If the Supreme Court, in ten years, had declared unconstitutional ninety-six, or half of ninety-six, important acts passed by the Legislature, including most of the most vital of all our recent legislation, we should certainly have had a violent controversy whether there was something wrong with the Supreme Court or the constitution. And if it were shown, as it could have been, that in all ninety-six cases the Supreme Court was indubitably right, would it not have followed conclusively that the constitution was intolerably wrong?

Instead of this, the measures in question were accepted in advance, by common consent, as clearly unconstitutional, and the constitution was separately amended, as to each of the desirable ones (which was most of them) to make that particular one constitutional. But in each of these cases, any future development or amendment, on that subject, is thereby made conclusively unconstitutional, and can only be enacted by the same method. So the system multiplies itself. The more good things we put into the constitution the worse we make it. And the more things we make constitutional the more additional things, most of them on the same subject and presumably good, we thereby make unconstitutional.

It may be said that I have proved too much by this. I have proved that the constitution is unworkable by showing how it works. But I could in the same way show that a wheelless automobile is movable by dragging it by main strength behind a truck. It is by precisely this main-strength process that we are legislating in California.

But it is not alone on the legislative side that the present constitution is structurally fatally defective. On that side, indeed, as I have just shown, it does work, though by a method as ridiculous as it is awkward. Let me briefly point out some of the defects, not of detail, but of fundamental structure, on the executive and judicial sides, and on the side of the people.

The defects on the judicial side are perhaps the simplest and the easiest remedied, but it has taken at least six amendments in the past ten years to make even the present imperfect adjustments. The Legislature lacks the power which Congress has to establish lower courts and fix their duties, and to raise salaries. The Supreme Court lacks the power to fix its own rules, and the general rules of procedure, to facilitate judicial efficiency. There is no way for the court to give tentative opinions in advance as to the probable constitutionality of proposed legislation. And there is no way to prevent justice and police courts from declaring laws unconstitutional, or for providing a clear path to the highest tribunal for the direct determination of a constitutional question. There is no way to compel the organization of police and superior courts in the larger cities. And the method of selecting judges is notoriously wrong. These are only a few of the structural defects in the judicial department. And it is much the best off of any of them!

In the executive department we have the long ballot, with the result that minor administrative officials are irresponsibly elected and conduct themselves irresponsibly thereafter. There is no united administrative organization. The governor has no authority over the elected administrative officials; they have no organized relation to each other and no united policy; and there is no organized or responsible relation between the executive and legislative branches. "Administration measures" are in fact introduced on behalf of the governor, but the fiction is that they originate in the Legislature, and that fiction hampers any responsible relation of the governor to them. He puts them through by underground boss rule, rather than by openly defending them and publicly answering questions on them, either personally or through his administrative representative. This applies to the personal measures of the governor, which he always has to make very few in order not to dissipate his powers. The measures of the administrative departmnets and commissions are still worse off. Each is separate from the others, and there is no united administration policy. Sometimes one department is lobbying against the measure of another. In all of them influence is by lobbying rather than by debate. Such discussion as there is is before the committees, instead of in the limelight of the open house. The "budget" is a pure usurped function of a minor administrative board, put through by the governor's big stick, and by the internal helplessness of the unorganized and unled Legislature. And, in the final resort, the Legislature abdicates its functions, passes bills in its last days wholesale, and leaves it to the governor to sift them. This proceeding should be in the reverse order.

In adminstration itself, there is incurable duplication, inefficiency and extravagance of executive departments and commissions. The Boynton commission last year recommended such patchwork as was within the Legislature's power, but even this was pigeon-holed. Nothing thorough or fundamental can be done on this line without changing the constitution to the extent of revolutionizing its entire administrative structure and reversing the present principle of its operation.

The people are equally helpless to operate their misfit part of the machine. The ballot is so long that I defy the faculties of the two universities and the justices of the higher courts to vote it intelligently. The number of "propositions" submitted to them is usually too many, and most of these are (until this year) not initiatives and referendums placed on the ballot because some group of people wanted them there, but amendments automatically sloughed off from the wreckage of the creaking old constitution itself. There is no way except the extreme emergency one of the recall of holding officials responsible to the people, or of making an election determine anything except who shall draw the salaries of certain offices. The people can, indeed, rule when they are aroused by some emergency to passionate united effort. The very mechanism of government acts as an obstacle between them and their government in all ordinary times.

The experience of American cities, in the last two decades, has demonstrated the close relationship between the mechanism and the spirit of government. Twenty or twenty-five years ago, American city governments were the one spectacular failure of democracy. Now they are its most conspicuous success. Part of this change has come from the improved spirit of the people, which has also greatly improved state and national government. But the improvement in city governments has been vastly greater than the corresponding change in state and national governments. All this difference has been due to mechanism—to the movement, beginning in Galveston and Des Moines, to give the people of cities better and simpler tools to work with. It is the almost unanimous opinion of scholarly publicists that the next place to make the same improvement of mechanism is in state governments, and that the resulting change in spirit and in efficiency will be quite as great in state governments as it has already proved in cities. Some state must take the lead, as Galveston and Des Moines did in cities, in doing this, not timidly, but boldly and thoroughly. I have some ambition to see California take that lead. We have led in other things, and we can afford to risk it in this.

The most radical proposals that any one has made (and I am perhaps the most radical) are by no means rash or untried. No one

proposes a simpler constitution than that of the United States. No one proposes a shorter ballot than we have always had in Federal elections. And no one proposes even half so responsible an interrelation of executive initiative and legislative determination as is already in successful operation in every free country in Europe. I am regarded as a radical in this respect, and even I would propose nothing more responsible than was already in the old German constitution under Bismarck. If I were to go so far as England, France, Italy, Switzerland, Denmark, Sweden, Norway, Holland, Spain, Portugal and Belgium went long ago, I should be regarded as impossibly radical and super-democratic. If we can make our state governmental system only as democratic as Bismarck made Germany's (minus the Kaiser!) that is certainly not going rashly far. Perhaps, if we try that, our successors may be even bold enough to make us as free as Portugal or Switzerland. Anyhow, there is nothing in even the most radical proposal that is not already in successful operation in some of the freest countries of the world. And nine-tenths of the most radical of it is and always has been, in successful operation in the constitution and government of the United States.

The faults of the present constitution are conceded by every one. That these are faults of fundamental structure rather than of mere detail I think I have demonstrated. What sort of a new constitution we need, up at least to the limit of the model of the constitution of the United States, we can all readily agree. If we can not agree on adding other devices of responsible government which have developed since our Federal constitution was adopted, but which have already been tested by from a half century to a century of successful experience elsewhere, then, on these things, because we can not agree, we need not do anything beyond following the Federal model, plus the initiative, referendum and recall. Though I would personally prefer an advance on the Federal model, and I know that nearly all scholarly publicists are of this opinion, I would be quite elated to stop far short of my personal views, and to bring the constitution of California only up to the standard of 1789. Even that would be an enormous advance.

And I have faith that if the Commonwealth Club could select a section intelligent enough to agree on a constitution of this sort, the people could elect a constitutional convention equally intelligent. If they did not, and if the convention presented us instead either a reactionary constitution or a radical hodge-podge of fads, we could easily beat it before the people, and we should then be, at worst, no worse off than we are now.

Thus it is easy to show both the badness of the old constitution and the importance and simplicity of a new one. The only difficulty

is working the transition from one to another. This I think could be done by two "schedules." One would preserve, so far as applicable, that whole body of judicial interpretation which has grown up under the present and previous constitution. The other would re-enact, into the status of initiative legislation, such of the detailed legislation in the present constitution as should be continued as legislation but should not be in the constitution. This schedule of laws, plus all legislation passed by initiative, should constitute one code of laws, subject to future amendment by some relatively simple procedure. Ordinary legislative statutes should constitute as now another code or codes amendable by mere vote of the Legislature. The constitution itself should be a simple and fundamental instrument of government, amendable only with great deliberation. The desirability of this result we can all agree on. The working of the transition is not easy, but I am sure it is not beyond the ingenuity of good lawyers. (Applause.)

Action by the Club Meeting

THE PRESIDENT: You have now heard the arguments against the proposed amendment instructing the Legislature to provide for calling a constitutional convention, and you have heard the arguments on the other side of the question. I will ask for a show of hands. Those who favor sustaining the report of the section and are against the measure will please raise their hands. Those who are for the holding of a constitutional convention will please raise their hands. The vote, as announced by the secretary, is twenty-three against and seventy for holding a constitutional convention. (Applause.)

Mr. Herbert W. Clark, Chairman of our section on taxation, will now make the report of that section on the pending measures. I present Mr. Clark. (Applause.)

The Taxation Amendments

Report of Committee on Taxation

MR. CLARK: The Committee on Taxation has had under consideration eight proposed amendments to the constitution, relating either directly or indirectly to the general subject of taxation. Inasmuch as all of these proposed amendments will be on the ballot at the November election, the Committee reports upon them at this time.

State Aid to Children

Senate Constitutional Amendment Number 19 is a proposed amendment to Section 22 of Article IV of the Constitution. The State Legislature now has power to grant financial aid to institutions conducted for the support and maintenance of minor orphans, half-orphans, or abandoned children, and aged persons in indigent circumstances, with the limitation that such aid must be granted by uniform rule and proportioned to the number of inmates of such institutions. The proposed amendment to this section will, if adopted, empower the State Legislature to grant financial aid to "children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation."

The Committee is of the opinion that this proposed amendment amounts merely to the extension of a policy already recognized as sound and for the best interests of the State as a whole. It therefore unanimously recommends the adoption of this measure.

Exempting Orphan Asylums From Taxation

Assembly Constitutional Amendment Number 40 is designed to add a new section (1½ a) to Article XIII of the constitution and thereby to provide that the buildings, and so much of the real property connected therewith as may be required for the occupation of institutions sheltering more than twenty orphan or half-orphan children receiving State aid shall be free from taxation; provided, no building or personal property so used which may be rented and the rent received by the owner thereof, shall be exempt from taxation under the proposed amendment.

While all public-spirited citizens are in sympathy with properly organized movements to aid the needy and dependent, the Committee is of the opinion that this particular measure is unwise, wrong in principle, and that it should be defeated. The measure would not be uniform in its operation. Institutions renting their lands and buildings

would receive no advantage or benefit from the adoption of the measure, but would be obliged to continue paying rent. Institutions sheltering less than twenty orphans would also be discriminated against, and this despite the fact that they are probably under greater per capita expense than the larger institutions, and also despite the fact that many students of the subject and workers in this particular field are strongly of the opinion that the smaller grouping is more desirable and more conducive to the welfare of orphans than are the larger groupings. Moreover, the proposed amendment would be inequitable. A recent survey shows that all the orphanages in San Francisco, Los Angeles and Alameda counties are private or semi-private institutions. To accord to these private institutions tax exemption privileges, especially if any of them yield profit to their owners, is unfair to the general body of taxpayers.

The proposed amendment is also bad in principle, in that it would add but another patch to the crazy quilt of exemptions already in our constitution. Each exemption encourages further exemptions. It is the opinion of the Committee that the exemption evil has gone far enough. If additional aid is needed for orphans, it should be accorded by direct appropriation by the Legislature.

Poll Tax on Aliens

Assembly Constitutional Amendment Number 13, to amend Section 12 of Article XIII of the Constitution, would, if adopted, re-introduce into our system of taxation a form of poll tax notwithstanding the fact that the power of the Legislature to impose a poll tax of any kind or upon any person or class of persons was taken away by the people in 1914. The proposed amendment directs the Legislature to provide for the levy of an annual poll tax, to be collected by assessors, of not less than four dollars on every alien male inhabitant of the State over twenty-one and under sixty years of age. The proceeds are to be paid into the county school fund in the county in which the tax is collected. Paupers, idiots, and insane persons are excepted from the operation of the measure.

A poll tax of any kind, or upon any person or class of persons, is unsound and incorrect in principle, in that it does not fall equally upon all subjects of taxation, even in the class against which the measure is directed. Moreover, the inequality of the operation of this particular measure is accentuated by the fact that those aliens who are not able-bodied would probably be subject to it. In addition, the total yield of the tax, upon a basis of 200,000 aliens subject to its operation, would not exceed $800,000 at the minimum rate. Experience shows that it costs twenty per cent of the gross yield to collect such a tax. This would

leave a net yield of $640,000 under the most favorable conditions; but in this connection it should be remembered that it will be extremely difficult, if not practically impossible, to ascertain who are aliens. Inquisitorial methods might have to be resorted to in the administration of such a tax, and much unfairness and injustice might and probably would be the result.

Aliens eligible for citizenship should not be compelled, or even influenced, to become citizens in order to escape the inquisition and injustice attendant upon the attempted enforcement of such a tax. On the other hand, if the measure is designed to impose a deterrent burden upon the nationals of some countries, it is a measure unworthy and beneath the dignity of the State of California. Nothing can be accomplished by it, in this view, except great discontent with, and antagonism toward, our government and the probable disturbance of international comity without any consequent gain to us. If it is desirable to limit or prevent the immigration of the nationals of any country, an open, frank and substantial method should be adopted, and not a petty, annoying measure of this kind.

The Committee recommends, one member voting no, that this measure be defeated.

Single Tax

Another proposed single tax measure will be on the ballot. Except for the fact that the measure proposed this year is to go into effect gradually, it is the same as the single tax measures which were overwhelmingly defeated in 1916 and 1918. The proposed measure provides that all personal property and all planted trees, vines and crops shall be exempt from taxation on and after January 1st, 1921; that all improvements on land shall be exempt on and after January 1st, 1924; and that a single tax on the value of land only shall be fully effective on and after January 1st, 1924. By a vote of twenty-five to three, and for the reasons set out at length in Volume XI, pages 331, et seq. and Volume XIII, pages 260 et seq., of the Transactions of the Commonwealth Club of California, the Committee recommends that this measure be defeated.

School Taxes

By initiative petitions, a measure commonly called "The School Initiative Measure" has been placed on the ballot with the design of amending section six of Article IX of the Constitution. The proposed measure would add kindergartens and teachers' colleges to the school system of the State. With respect to the elementary schools it would increase the state contribution for elementary school purposes from the present minimum of $17.50 to a minimum of $30.00 per pupil in average

daily attendance, and it would increase the county minimum from $21.00 to $30.00 per pupil in average daily attendance. Also, it would abolish entirely the existing limitation of fifty cents on each $100.00 of assessed value.

With respect to the secondary schools, the proposed measure would increase the state contribution for secondary schools from $15.00 per pupil in average daily attendance upon high schools to a minimum of $30.00 per pupil in average daily attendance upon day and evening secondary and technical schools; and it would fix the county contribution at $60.00 per pupil in average daily attendance upon day and evening secondary and technical schools.

District school taxes are not affected by the amendment except as the addition of kindergartens may affect them.

The measure provides further that all the money provided by the State and sixty per cent of the moneys provided by the counties must be applied exclusively to the payment of teachers' salaries.

While the Committee is in hearty sympathy with the general policy of placing the pay of school teachers on a fair, liberal and even generous basis, it is believed that this measure is objectionable and should be defeated. One member of the Committee dissents from this view; twenty-seven favor it. The reasons for the Committee's opposition to the measure are fundamental reasons. In the first place, there is nothing proposed under this measure which cannot be accomplished by legislative enactment, as distinguished from constitutional amendment, except the incorporation of kindergartens and teachers' colleges in the constitutional system. Control over the school funds of the State properly belongs with the Legislature and should not be taken from that body, as it is proposed to do in this measure. The measure does direct violence to the budget principle in that the minimum requirements per pupil fixed in it bear no necessary or direct relation to the needs of the school. Moreover, the measure is special in its character and will serve as a very bad precedent to be followed by other special departments of the government.

As an indication of the meaning of the measure in financial terms, we call attention to the fact that it is estimated that the State's contribution to elementary and high schools this year is $7,500,000.00. If this proposed measure is adopted, the State's contribution next year, based on the average daily attendance for the year 1918-19, will be $13,256,010.00. From a reading of the measure, one might think that the county school taxes are to be considerably increased, to balance the increase in the State contribution; but this is not the fact, for the necessary increase in county school taxes is only a small percentage of the

increase the State must meet. Practically the whole burden of the increase is cast upon the State.

University 12-cent Tax

Another measure, commonly called the "University Tax Amendment" has been placed upon the ballot by initiative petition. The proposed measure provides for an ad valorem tax of twelve cents on each $100.00 of the assessed value appearing on the non-operative assessment roll of the counties. It is proposed that the proceeds of this tax shall be covered into the State treasury and placed in a "State University Fund," and that they shall there be subject to the unrestricted draft of the Board of Regents of the University.

It goes without saying, of course, that the Committee on Taxation desires that the State University should receive increased financial support to any extent that its needs may require. However, by a vote of twenty-two in the affirmative to three in the negative, the Committee recommends that this particular measure be defeated. The measure is not a proper one to be incorporated in the constitution. It, like the school initiative measure, does direct violence to the budget principle of government. The Committee believes that the control of the purse strings of the government belongs properly with the Legislature. The proposed University tax amendment would permanently deprive the Legislature of any control whatsoever over the finances of the State University.

The effect of this measure, if it is adopted, will probably be to re-emphasize the old difficulty concerning inequalities in the assessed values of property as between counties, and tend to revive—if it does not in fact revive—competition among assessors for the lowest county assessments. This would merely accentuate the difficulty of obtaining proper assessments.

County assessments are now on a basis of about fifty per cent of true value. Any increase in the ratio of assessed to true value would mean necessarily an increase in the product of this twelve cent tax. A hundred per cent increase in assessed value would mean a doubling of the estimated product of this tax. And this, all despite the fact that nobody would know from time to time whether or not the University would actually need the increased funds.

Higher Bond Interest

Still a third measure has been placed upon the ballot by initiative petition. It relates to the highway bonds. This measure creates a Highway Bond Finance Board composed of the Governor, Controller,

Treasurer, Chairman of the Board of Control, and Chairman of the State Highway Commission. This board is empowered to determine when any bonds authorized by the amendment shall be sold, the number to be sold, the dates, and the then prevailing market conditions, and to fix the interest rate in accordance with such market rate, not exceeding six per cent. The board's determination of prevailing market conditions is to be conclusive. The bonds heretofore sold under section two, Article XVI of the Constitution are declared to be valid obligations. The interest on these bonds is payable on July 3rd and January 3rd. Section three of the proposed amendment provides that all the provisions of section eight of the 1919 Highway act and section eight of the 1915 Highway act, relating to the payment by counties of an amount equal to the interest on money expended from the proceeds of bonds issued, shall have no further force and effect "on and after July 1st, 1921."

The first thing that attracts attention is that all counties will be relieved, under this measure, of any interest charge on highway moneys expended therein. Under existing law, the State Highway Board has the power to relieve any county or counties of any portion of that interest charge. Up to this time the State Highway Board has not deemed it advisable to relieve any county of any portion of its interest. This proposed amendment to the Constitution would relieve all counties. The Committee believes that this is an unfair provision; it being the opinion of the Committee that the counties should pay at least the interest on state highway funds expended for road construction within their borders.

There is, however, a much more serious objection to the proposed highway bond measure than the objection just mentioned. The Committee has been unable to obtain any authentic or even reliable information as to the durability of the highways already constructed. The so-called third highway issue is an authorized $40,000,000.00 issue to be redeemed serially beginning in 1925. The entire period of redemption extends for forty years. It is the opinion of the Committee that the term of a highway bond should bear a direct relation to the probable term of existence of the highway to be constructed with the proceeds thereof. The probabilities are that long after the highways, which are to be constructed with the proceeds of this issue, have been depreciated out of existence, for all practical purposes, a large portion of the bonds will be outstanding and unpaid, and will have to be paid by the next generation, or generations. While it is true that we are already embarked upon a highway construction program, nevertheless, in view of the present high cost of materials and labor, it is the view of the

Committee that a temporary suspension of new construction is advisable in order that new bonds may be issued upon a correct financial principle. This is much more advisable than to proceed as contemplated upon an admittedly incorrect and indefensible basis of forty-year bonds to construct highways which will probably not last any where near that long.

The proposed measure authorizes an increase in the rate of interest on these bonds of from four and one-half to six per cent maximum. Assuming a sale of ten millions a year, bearing interest at six per cent, the increased interest burden on the third highway issue would be $12,000,000. Over the entire period of the bonds, the total cost in interest and principal, of this issue, will be approximately $85,000,000. It has been conservatively estimated that under the existing conditions, about $30,000,000 worth of highways can be constructed.

The foregoing considerations have caused the Committee, by a vote of ten to five, to advocate the defeat of this measure.

Raising Initiative

The last measure before the Committee was the proposal to amend the constitution to require, in the case of proposed amendments relating to taxation, signatures on initiative petitions equal to at least twenty-five per cent of the vote cast for Governor, instead of eight per cent at present. By a vote of twenty-one to eight, the Committee recommends that this proposed amendment be adopted. It is the opinion of the Committee that the tax system of the State should be an integrated whole, and that it is impossible to bring about the careful integration of tax and revenue measures and fiscal policies if amendments to the constitution relating to such matters can be initiated directly. In short, the Committee is of the opinion that no application of the initiative should be permitted to the State's fiscal system. (Applause.)

Action by the Club Meeting

THE PRESIDENT: On some of the propositions covered by the Section's report there will be other speakers. Some of the propositions may be submitted to a show of hands at once. First, there is the Senate Constitutional Amendment No. 19, providing for state aid for children of a father who is incapacitated for gainful work by permanent physical disability, or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation. Those in favor of this proposition will raise their hands. Those against the proposition will please raise their hands. On a show of hands, the ayes are sixty-four and the noes four.

Next is Assembly Constitutional Amendment No. 13, providing for an annual poll tax of four dollars on every alien male from twenty-one to sixty years, which is to go into the school fund. Those favoring this proposition will please raise their hands. Those opposed will raise their hands. The vote stands six for and seventy-two against.

The next proposition is Assembly Constitutional Amendment No. 40, exempting from taxation, buildings and real estate for orphan asylums when not more than twenty orphans or half-orphans are sheltered there. Those favoring the measure will please show their hands. Those opposed will please show their hands. The vote stands two for and eighty-nine against.

Next is an initiative measure providing for a tax on land values, being in effect a gradual introduction of the single tax. Those favoring the proposition will please show their hands. Those opposed will show their hands. The vote stands eight for and eighty-five against.

The other matters that have been reported by the Section will be touched upon by other speakers, and a vote upon them will be deferred for the time being. I will now ask Mr. Will C. Wood, State Superintendent of Public Instruction, to present his views with reference to the measure providing for an increase of the salaries of teachers and related matters. I present Mr. Wood.

Remarks by Will C. Wood

MR. WOOD: During the last year and a half that I have served as Superintendent of Public Instruction, I have frequently asked myself, What is the chief function of a Superintendent? And during that time the thing that has been impressed upon me more than anything else is that the chief function of the Superintendent of Public Instruction in a State like this is to restore reading, writing, and arithmetic to a place of respectability. (Applause.) And when I read, and read quite frequently, in the newspapers, that the hodcarriers have struck and have been advanced to $8 or $9 a day, when I read that in New York the longshoremen have struck, and that their wages have been fixed at $10 a day, and when I think that in Lake county, in California, last year, the average yearly salary paid to elementary school teachers was $573 a year, I think it is pretty nearly time we were raising the question as to whether reading, writing, and arithmetic and literacy are really respectable. (Applause.)

This question is not whether the teachers of California deserve it. Teachers do not need to teach, as is evidenced by the fact that business and industry have taken them away from us. This measure is for the children and the State of California, not for the benefit of the teachers.

The first question is, then, is this a fair measure for the public school system and for the State of California? And, secondly, is it a proper question for the Constitution of the State of California?

First of all I want to take up the situation in the schools. This constitutional amendment was framed to provide more definite and adequate support for the public school system of the State. It will increase the State's contribution—not that of the counties or the districts—the State's contribution for the support of elementary and high schools about $5,000,000 annually, or about $270 yearly for each teacher employed. The average yearly salary for elementary school teachers in California is about $1000. This amendment will raise this average to $1270. Is this too much to pay teachers that hold in their hands the destiny of the State, and, measurably, of the nation? The salary is worth only what it will buy. The amendment will not really increase teachers' salaries, but merely restore a fraction of the purchasing power of the teachers' salaries taken away by the war. It will restore about twenty-seven per cent, whereas the cost of living has increased more than one hundred per cent.

As I point out, the chief beneficiaries of this legislation, or this amendment, are the State and the children of California. In August of this year, there were over six hundred schools in California without teachers, most of them in country districts where yearly salaries range from $600 to $1000!

There is a broader and a bigger question involved in this than the mere school question. American parents will not live where schools are unsatisfactory, and they do not live there because they are Americans. They will move away. If their places on the farms in the State of California are not taken, as they are not being taken in New England today, production is decreased, and city dwellers must pay more for their food. If their places on the farms of California are taken by Japanese and other Orientals, Californians will be sacrificing their birthright, which God forbid. We must have good common schools in this State, if we are to hold Americans on the farm. (Applause.)

This amendment will help secure such schools. The amendment is not a new principle at all—it merely restores an old principle, fallen into disuse. Up to 1911, the State paid more towards the support of the elementary schools in this State than did the counties. Before 1908, it paid more than the counties and the districts combined. In 1911 the State contributed $533 per teacher. In 1918 it contributed just $112 less, in spite of the increase in the cost of living in these United States. In 1911 the counties contributed $433 per teacher. In 1918 they contributed $640. In 1911 the district contributed only $311 per teacher.

In 1918 it contributed $291 more. These contributions have to cover maintenance as well as salaries. And when I say that the district's contribution increased, I mean thereby that, for the most part, the city districts and the wealthy districts increased their rates, but the little country districts, which are assessed at very little, did not and could not, increase the amount that was available.

The State of California, since the adoption of the constitutional amendment known as Constitutional Amendment No. 1, in reference to taxation, has been shifting its burden of school support to the county and to the district. The State of California, under the most progressive government that the State has ever had, has been shifting the burden of supporting the schools to the district and to the county, and has been making the conditions of education in this State of California more and more unequal. The small increase by the last Legislature did not restore the balance between the State on the one hand and the county and the district on the other. This amendment will restore, not establish anew, but restore, the principle of fifty-fifty support of the schools by State and county for elementary schools, and guarantee it by constitutional provision. It increases State aid for high schools from $15 to $30 a pupil. The county contribution for high schools is not increased at all—the present provision providing $60 per pupil.

Why not let the districts take care of the schools? is a question we often hear. Well, in the mountain counties of California, the small school districts have an assessment roll of only $20,000 say, and if we levy the maximum amount allowed by law, we will be able to raise in those districts only $60 a year; and what can be done with that $60 per year? The same situation prevails in many counties in the State.

Here is a system in which there are three partners, the State of California, the counties of California, and the districts of California. And there is one of those parties that is a dominant party, it governing not only its own share, but governing the shares of the other two. And the State, that party, has been shifting its share of the burden to the other two partners, and we are asking that we shall write into the constitution of the State of California, the fundamental law, that the State shall not do this, and thus render educational opportunities throughout this State the more unequal.

That, my friends, constitutes the main argument for the constitutional amendment. Let us look upon education, not as an expense—let us look upon it as an investment. Or, if we must look upon it as an expense, let us look upon it as insurance. Education is the life insurance of a nation. This is a critical time in the history of the United States of America, and let not California go back on her record in the

matter of legislation, let her look to the future, and let her see that in establishing a thoroughgoing system of education and equalizing educational opportunities, she is making the American democracy safe for itself. (Applause.)

Action by the Club Meeting

THE PRESIDENT: Having heard the report of the section against the proposition to increase taxes for school purposes, and having heard the argument in favor of this proposition, we are ready for a vote. Those in favor of the proposition will please raise their hands. Those against will now please raise their hands. The vote stands sixty-one for and seventeen against.

Mr. H. A. Mason is with us this evening to speak in favor of increasing the interest rate on the highway bonds. Will you kindly either read your report, Mr. Mason, or give us the substance of it?

Remarks by H. A. Mason

MR. MASON: The minority of the committee, numbering one-third of those voting upon the question, disagreed with the report, for the reason, first, that we believe it will be more expensive to cease the highway construction program at the present time than it would be to proceed. The loss entailed upon the State by reason of not constructing its highway system would be greater than that attaching to the entire cessation of work. You will recall that it is only a year ago that the people of the State, by a vote of seven to one, endorsed and authorized the issuance of $40,000,000 of highway bonds; $20,000,000 of that sum was to be expended in building highways and projects already determined upon, and the other $20,000,000 was to be expended upon new projects, a list of which was contained in the amendment. Almost immediately after the decision of the people in favor of it, there came a decline in the market value of bonds. These bonds authorized and carried interest at four and one-half per cent per annum. The decline was quite rapid, and reached its perhaps lowest point about last April, when the market value of bonds was approximately on a five and one-half per cent basis. The State, during that period, could not sell any of its bonds. In fact, only a small proportion of that $40,000,000 has been sold, I understand largely through the use of State funds and by small purchases by the counties. At the present time, highway construction in California has absolutely stopped, with the exception of a few projects that are being financed through the counties buying bonds.

We are all in favor of good roads. We look back, and we see that as soon as the roads have been constructed, they have added to the values in the entire State. I do not believe any person in California

would care to go back to the former condition of poor roads and have returned the money which they cost. I think that the values which these roads have produced far exceed the amounts expended. And this position of the majority of the committee, that we should stop and take stock, did not appeal to the minority members of the committee. The purpose of stopping and taking stock is indefinite. Nothing could be gained by reviewing and finding out where we have made errors in the past. Errors no doubt have been committed. We have gone through a certain experimental stage in highway construction. We adopt now different types of pavement from those which were originally designed. The use of the motor truck has revolutionized our conception of pavement construction. Go back and investigate, and you will find that we have made mistakes. But finding that out would not lead us anywhere; it would not be a thing from which it could be argued that it would not justify us in building better roads in years to come. Therefore nothing would be gained by stopping now and taking stock, as they say. In fact, an investigation is being made by Government experts, and they are better qualified to discuss and point out the errors of policy than even this Club would be.

The other point raised by the majority of the committee is that the term of the bonds is too long, and that we should correct that before attempting to sell them. That is not valid, in the opinion of the minority, for the reason that the State can now provide means out of its surplus for purchasing the longer maturity bonds and retiring them —they can purchase the long-term bonds below their face value at this date, if the Legislature would authorize such procedure. It is a policy which is being adopted by the United States Government in connection with its Liberty bonds; that is, it is purchasing its long term securities at less than their face value. It would be a wise financial policy for the State to do the same thing, and if it adopted the policy, the question as to the term of the last maturing bonds would not prove objectionable.

That, Mr. Chairman, is the position which the minority takes. And we believe in going ahead with a moderate construction program. The Highway Commission has already expressed its determination only to do that work which is essential, and it has already pointed out that, after all, the increased cost of labor and material since the estimates were made upon which this particular bond issue was founded, has only been fifteen per cent. That increase ought not to deter us from going ahead and carrying out the wish of the people, which was expressed at the election by the people last year in a vote of seven to one.

The other feature, that which relieves the counties from the payment of interest and shifts the burden upon the State, is one which was

recognized in the amendment heretofore adopted, wherein it gave authority to the State Engineering Department to relieve the counties of that extra burden. The trouble of it is that, in the administration of it, the Highway Commission has not taken any steps in that direction, and we find, upon examination, that many of the counties of the State are unjustly, inequitably, and grievously burdened by this excessive rate of interest. Counties like Mendocino, Shasta, Mariposa, and others, pay as high as forty cents of each dollar to pay the interest due to the State. Other counties, like San Francisco, pay nothing. Los Angeles only about a cent. Fresno and Sacramento only about one cent, as against forty cents, as I say, in some of the smaller counties. We think that burden can only be adjusted by the State assuming that which is really interest on a State project. We understand now that roads are the common property of all the people. The automobile has made them so. The country roads are only an extension of the city streets. The people of San Francisco use the county roads of San Mateo county for their purposes and their pleasures more than the people of that county do. Yet that county has to pay the burden of the city, and San Francisco escapes without the payment of anything. We who live in San Francisco believe in justice, and I believe we should be willing to share indirectly some of that burden which now is undertaken by the counties only. Therefore that feature has received the endorsement of the minority of the committee, and I think it is not an objectionable feature to the measure as it stands. (Applause.)

Action by the Club Meeting

THE PRESIDENT: The section recommends against the proposition of increasing the interest rate on the $40,000,000 bond issue for highway bonds from four and a half per cent to a maximum of six per cent. The vote in the section was ten to five against it. Mr. Mason has on behalf of the minority of the section advanced the reasons why the proposition should be favorably considered. The matter is now ready for a show of hands. Those in favor of the proposition will please signify by raising their hands. Those opposed to the measure will now please raise their hands. The vote stands sixty-one for the proposed increase of bond interest and thirty-one against.

On the matter of the initiative measure levying an ad valorem tax of twelve cents on each one hundred dollars for University purposes, we will be very glad to hear from Mr. Warren Gregory. (Applause.)

The University Tax Amendment

Argument for the Amendment

MR. GREGORY: By this measure there is sought to be imposed an ad valorem tax of 1.2 mills on each dollar of assessed property in the State, the moneys collected therefrom to go into a special fund to be known as the State University Fund, for the support and use of the State University.

The principle involved in this measure is not a new one. From the time of the establishment of the University until the early nineties, it was necessary for the University authorities to go to the Legislature each session for specific appropriations. In 1893, after a prolonged hearing by the Legislature, an automatic tax of one cent on each $100 of assessed property was levied for the purposes of the university. This act remained in force until 1910, with the exception that the rate was raised, first, to two cents, and then to three cents. This original tax of one cent on the $100 corresponds, roughly, to the 1.2 mills on the dollar now sought. From the hour that this system was put in practice, the University started upon a new life. Theretofore a comparatively small institution, it now took its legitimate part in the State's activities, and in seventeen years grew to be the most prominent and influential State University in the United States.

In 1910 this automatic tax was repealed, impliedly, by the passage of what is known as Constitutional Amendment No. 1. This latter act, as you will recall, (because it was debated in this Club many times), had for its object the separation of the collection of revenue for State purposes from the collection for city and county purposes. The former was to be provided for by a tax upon the gross incomes of public utility corporations; the latter, by the ad valorem tax. At that time it was feared by many friends of the university that it was unwise to forego a system which had proved so beneficent. The new system has now been tried ten years, and the desire is to return to the old system. There is nothing new or radical in this proposed tax. It has been tried and found beneficent. It is not so much an increase in taxation, as it is a new form of taxation.

The needs of the university have grown apace in the last ten years. Its student body has increased two hundred per cent in Berkeley alone; that is, from 3,300 students to about 10,000. This army of young men and women require, of necessity, an ever-increasing faculty and housing accommodations. The university has fallen far behind in all these requirements. There are classes at Berkeley of hundreds and even thousands, rendering impossible the personal attention which each student

should receive. The housing accommodation for the students becomes an ever-increasing problem with the beginning of each year.

The faculty at the university is composed of distinguished members. They have loyally stood by the university for years, in spite of the fact that the cost of living has made it almost impossible for them to get along. The average compensation that is paid the faculty, from the president down to the lowest instructor, has increased but twenty per cent in the past ten years. There are many men here whose compensation is only $1200 per year. When it is considered that these men are experts, that it must have required at least seven years of non-remunerative student life and training to qualify them, it is seen that unless these salaries are raised, the best men will go into other walks of life. The activities of the university are by no means confined to Berkeley. There is hardly a county in the state that does not have its farm advisers or some form of university activity.

Perhaps the financial side can best be shown by a letter prepared by President Barrows, from which I quote:

"Only a moderate part of the income of the university is spent for the instruction of the ten thousand students on the campus at Berkeley. One million two hundred seven thousand is appropriated for agriculture, including the great system of farm advisers and agricultural experimentation all over the State and the maintenance of the farm school at Davis. The medical school and hospitals and dental education consume $474,957. And none of these amounts are sufficient for the work represented. The southern branch at Los Angeles requires this year $347,525, and if Southern California is to have the kind of instruction which the importance of that part of the State demands, this amount must be largely increased year by year. The university extension takes $133,000. The university high school, an indispensable accessory to the school of education, takes $40,000. The research institutions, like Lick observatory, the Scripps Institution fof Biological Research and the Museum of Vertebrate Zoology require $57,300, $35,500, and $19,842, respectively. The great library at Berkeley will require this year about $134,000, although the appropriation has been cut to a smaller sum than for many years, and this in spite of the fact that the opportunities for making important additions in Europe are extremely advantageous by reason of rates of exchange. The rise in the cost of materials of every kind and the greatly increased rise of wages have caused a corresponding increase in the administrative budget. It does not appear possible to reduce any of the budgets of the above institutions further than they were reduced in this year's determinations. And yet even the provision that has been made for the above institutions leaves for the instruction of the thousands of students in the schools and colleges at Berkeley the sum of $1,365,485. This latter sum is grievously deficient for the instruction of so many students, and each year the number increases, more than a thousand enrolling this week

than were enrolled a year ago. I feel safe in saying that our average expenditure per student is less than it is in almost any reputable university of this country, and considerably less than it should be. We are trying to operate a university of ten thousand students on a financial basis that was provided for thirty-five hundred students ten years ago. Although we have raised our admission requirements, we cannot as a public institution turn away students who present themselves with our qualifications met. We cannot impair the validity of our instruction, which has always ranked well in this country since the foundation of the university.

"There seem to be only three alternatives for the regents of the university: first, to seek from the Legislature and from State funds provided by the present system of taxation an addition of at least $1,000,000 to the annual appropriation; second, to secure by vote of the people of the State a new constitutional basis for the support of the university which will automatically increase with the wealth and population of the State; third, to impose a tuition fee upon all students in attendance, sufficient to meet each year the anticipated difference between public income and necessary expenditure."

The specific object, then, of this amendment is to place the university's finances upon a permanent basis, which will go up or down as the wealth of the State increases or decreases. The advantage will be that the university's governing authorities may know, with fair certainty in advance, the amount of revenue which they may have at their disposal. Thus provision can be made for buildings, for development in academic instruction, or for the employment of new teachers. At the present time the Board of Regents even hesitates about the employment of a man for a single year, however distinguished he may be, because they are uncertain as to the revenue.

It is appreciated that these are times of increased taxation. No taxation is welcome. In this connection I would leave with you the thought that this is not so much an increase in taxation as it is a new form of taxation, which it is hoped will yield a somewhat larger revenue than at present, but which will have for its main object the placing of the university beyond the necessity of scrambling for money or being dependent each two years upon the bounty of the Legislature.

Certain specific objections have, I understand, been made against the measure. We will no doubt hear from them more in detail this evening, but I venture to anticipate by referring to one or two of such objections.

I believe it has been said that this tax is unjust because the operative properties of public utilities are not included, as well as corporate franchises. There are at least three answers to this objection. They are of a practical nature and, if well founded, will, I think, disprove the objection.

The first is that the operative property of public utilities is already subject to a tax dependent upon the gross revenue of the company. This tax is made upon the direct constitutional statement that it shall be in lieu of all other taxes, state, county and municipal, upon operative properties. To impress upon these operative properties the burden of this mill tax would subject them to double taxation; it would make a fatal variance in the equality of taxation, which lies at the root of all of our taxation systems. Thus these operative properties of public utilities would be impressed with two kinds of taxes: First, an income tax assigned to all the instrumentalities of the State other than the university, and, second, this mill tax; whereas the property of all other taxpayers would not be impressed with the former tax at all, but would be impressed with the city and county taxation plus the mill tax. The principle of equality and uniformity would be thus done away with.

In the next place the foundation argument that was made in behalf of Constitutional Amendment No. 1 would be completely subverted. The revenue for State purposes was separated from city and county purposes in order to get away from the constant friction that arose between the respective counties over the amount of assessable properties of railroads, long-distance transmission lines, and other utilities which operate in more than one county. It was to get away from the influence that was constantly being brought to bear upon public officials concerning this taxation. If you now impress this mill tax upon the operative properties of public utilities, it will require on the part of our local officials, for the purposes of this mill tax alone, the solution of the same problems as to the assessment of these operative properties as such officials had formerly for the entire revenue of the State. You will revive the objectionable features of the old system simply for this tax alone.

In the third place, to tax these public utilities would require the entire redrawing of Constitutional Amendment No. 1. That part which says that the taxation imposed upon utilities shall be in lieu of all other taxation would, of course, have to be repealed. This would take the very heart out of the measure, and destroy the entire structure. For ten years our Supreme Court have had before them various features of this law and they have been definitely construed. Until such time as the people of the State wish to return entirely to the old system of taxation, it would seem most unwise to make such a radical change as would have to be made in order to meet this objection.

Furthermore, at the present time there is exempted from the ad valorem tax all franchises of business corporations, of which I believe there are some 23,000 in the State. If the operative properties of public

utilities should be made subject to this mill tax, then these franchises also should be. As a result, every assessor would be obliged each year to assess the value of these franchises for the purposes of this small mill tax, notwithstanding that the expense of making these investigations would probably largely exceed the amount of revenue derived. I believe that any county assessor or tax collector will substantiate this view.

Aside from this specific objection there is the further idea advanced that it is unwise to create a fund for the university which is not subject to the control of the Legislature. To this one may answer, in the first place, that it is erroneous. The Legislature at all times has plenary power to investigate into any fund of this character. In the second place, this control is along the same lines as is now had concerning all school funds. As I understand it, the revenue which supports our primary, grammar and high schools is handled in precisely this way—the board of supervisors of each county fixes the rate to be levied for school purposes on each $100 of assessed property; the money, when collected, goes into a special fund and is disbursed by the respective boards of education. The board of supervisors have no control over it, and have not sought to have any control over it. This measure for the university would be of like character and like control as concerns the funds for the other schools of the State.

The measure here presented is one which is of vital interest to the people in the proportion in which they think the university is a vital part of our State organization. California has before it, probably, more problems requiring expert advice than any other State in the Union. The extent of our territory requires constantly expert advice on agricultural, irrigation, mining, electrical engineering, and all the other arts and sciences. We want to have developed in this State the experts who are to handle these subjects. Over this great extent of territory and constantly increasing population the university should be the coordinating influence which can weld them into a homogeneous civilization. Our university library must be the best library in the world on California and its problems. Our experts should be the best experts in the world on the subjects that I have mentioned. Our lawyers and our doctors and our dentists are to be the men who will minister to the coming generations.

To those who say that this tax is theoretically unsound and of an especial nature, I would answer that it is not to the best interests of the State that a purely academic or theoretical objection should overcome the substantial grounds upon which this measure for relief is based. It is not the fault of the university that this measure has to take the

form of a constitutional amendment. All legislation centers around the direct initiative of the voters, and since Constitutional Amendment No. 1 has already been enacted, it is legally necessary to amend the constitution in order to secure any relief of this nature for the university. We could not go to the Legislature without amending the constitution, because the Legislature would have no power to act. Nor can it be said, because the various Legislatures have in the past been generous to the university, that this is a sufficient reason for defeating this measure. I freely acknowledge the zealous cooperation with which our State officials and our legislators have met the demand for funds for the university. But, after all, this is no foundation upon which an institution of the importance of the university can be financed. It must have a certainty of income, and not be obliged to scramble for funds. It must not be made the residuary legatee of the money that is left after other State needs have been met. We cannot hope to have distinguished men upon our faculties, unless we can assure them and their families a permanent home in California. We cannot hope to make plans for new buildings and class-room and housing facilities, unless we are able to estimate for years in advance the probable income of the university. We cannot hold out to the farmers of the State assurance of new fields of activity for the farming bureaus of the university, without this assurance of income. It must be apparent that if any permanent plan is to be adopted, it must be in such form as will automatically place at the disposal of the governing authorities of the university a sum which may be reasonably estimated year by year.

The principle here involved has met with favor in other states, and has only recently been adopted in Oregon by an initiative measure. I doubt if any of the fourteen states that have adopted this system would consider for a moment the return to the old method which now prevails in California.

The proponents of this plan have presented it to the voters of the State, so that it may squarely be considered by them as to whether or not they wish to continue the maintenance of a free, democratic university to which the poor man's son has as ready access as the rich man's son. Surely such an ideal is one which should appeal to the people of the West. It is of the most profound importance to the intelligence of the coming generations, and no purely technical objections should defeat such an object. (Applause.)

THE PRESIDENT: The objections to the amendment will be presented by Mr. Clyde L. Seavey, of the State Board of Control.

Argument Against the Amendment

MR. SEAVEY: I find myself in an unfortunate position this evening, in that, if there is one institution in the State which I would not wish to oppose in its desire to get more revenue, it is the University of California. But I feel that this measure which is presented by the university to the people of California is fundamentally wrong. I think it is morally and I believe legally, wrong, as well as being economically wrong, in point of handling and controlling public funds.

In the first place, the amendment throws upon the owner of the home, and of the business, and of the farm, a tax which is not thrown upon the operative property of public utilities, and upon banks and insurance companies. I must take issue with Mr. Gregory in his interpretation of the meaning of the present provisions of the constitution relative to the taxation of general property and corporate operative property. The constitution as it stands today provides that those two kinds of property shall pay taxes separately, the property of public corporations for State purposes, and general property for county and municipal and local purposes. It further provides that if the revenues are inadequate to take care of all State needs, then there shall be levied an ad valorem tax, which tax must be placed upon all property, corporate and general. So that the present provision of the Constitution, clearly outlines an equitable and just procedure in the matter of taxation, without double taxation of any property. With the levying of this tax for the university upon general property, you would bring upon general property an added burden which would be unjust and double taxation.

The second objection which I have to this measure is in regard to the disposal of the funds which will be received from the tax. I must disagree again with my opponent as to the old ad valorem tax which used to be levied for the university. That provision is not comparable with the present initiative measure before us. The initiative measure proposes a constitutional amendment which takes away from the Legislature the control of the money which is to be raised for university purposes. The old ad valorem provision was wholly within the control of the Legislature. It was a legislative act providing an ad valorem tax, which was the method of levying all taxes at that time, providing for the levying, then, of an ad valorem tax for part of the university needs —it did not cover all of the university needs. But that provision was simply a statute which was revocable at any time by the Legislature, and which was therefore controllable easily and quickly by the Legislature. So there is an entire change of policy suggested in the adoption of the proposed initiative measure.

It is hardly to be supposed that anyone would vote against a proper and adequate financing of our State University. And yet it seems to me that our university friends are too idealistic when they say that the university stands first among the needs of the State's functions. Certainly there are other functions of the State that must come first. I am sure we would not put the university ahead of the proper operation of the courts. I am sure we would not put the university ahead of the proper policing of our commonwealth. I am sure we would not put the university ahead of the common schools of the State, for the common schools are the very foundation of the education and civilization and the continuity of our State and our Government. The university takes care of the higher education. It is a necessary provision for the development of the ideals of the people, something for youth to look forward to, something which will broaden the scope of the civilization of the community and of the State and of the Nation, undoubtedly. But it is something that is not of very first necessity in the conduct of the State government or the National government. When you consider the very small percentage of pupils in our public schools who go into the university, I think you must agree with me that it is not of primary importance that we first provide the permanent maintenance of a university irrespective of all other activities.

I could also say that there is something else that is more important than the university, and that is the care of our dependents, our widowed mothers and our orphaned children. Now, if we are to finance any function by an amendment to the constitution, setting out the amount of money that shall be raised for that particular purpose, let us go about it in an orderly and a proper fashion. Let us take all of these functions of the State, decide how much each one shall have, set a mill tax for each one, and proceed to collect the money and allow the different departments to spend it without interference from the Legislature. It seems to me that that is something which would be against the fundamentals of our government, or of any form of government that has an orderly economic system. It is impossible to properly decide the needs of the different necessities of a government in that manner. They vary. Unusual and emergency conditions come up which make it necessary that one or the other shall give way temporarily. We must adjust, year after year, the relative needs of different functions that operate under the control of the sovereign State. And the body which should be the governing control for all of these operations is the Legislature, elected by the people and responsive to popular desire and need.

It has been said here tonight that other States are using this method of financing their State universities. It is true a few are partially

financing their universities by mill tax. It must be remembered their systems of taxation are not the same as ours. And I wish to call your attention to the fact that Oregon, which has been pointed out as one of the States this evening, did not finance its university by an amendment to the constitution. It was a statutory initiative measure. It did not put that money absolutely and unqualifiedly at the disposal of the regents of that university. It segregated in a general way four-sevenths of the tax to the agricultural education of the State, and three-sevenths of it to the college of letters. In addition to that six-tenths of one cent millage goes to the Oregon normal school. But all of that money under that initiative measure goes through the regular procedure that all funds of the State of Oregon go through. So that the law has not turned over unqualifiedly to the regents of the University of Oregon those funds which the people voted. One of the principal objections to the proposed California initiative measure is, that it takes away from a proper and legitimate control of the Legislature those funds which have always been under the control of the Legislature.

And why should not such funds be under the control of the Legislature and responsive to the will of the people through their elected representatives? The people of the State of California are providing these funds. They are an endowment, if you please, from year to year, to the university. Other people who make endowments to the university, individuals, prescribe what their funds shall be used for and qualify their endowments. Why should not the people of the State of California through the Legislature control those endowments which are given in year after year, as they feel the needs of the State should warrant?

As to the attitude of the Legislature towards the university, I have been connected with the financial affairs of the State of California for seventeen years. I have been intimately connected with the action of the Legislature in the matter of appropriations for that period. I have yet to know one instance where the Legislature has turned down a legitimate and necessary request from the university for funds. I have known many instances where the Legislature has made appropriations for university use that have not been asked for by the university. These appropriations were granted at the instance of community petitions for needs that were felt and had not been met by the university. So that it will be seen the Legislature is fully responsive to the needs of the university.

At the last session of the Legislature, all that the university asked for was granted, together with an appropriation to meet additional salaries of something like $150,000. In addition to that, the State

Board of Control with the approval of the Governor, acting under their powers, signed an additional deficiency, which must be met by the next Legislature, for the last fiscal year, of $70,000. For this fiscal year there was allowed an added deficiency of $300,000, which was all they felt could be allotted, when they considered the finances of the State as they exist at the present time and the needs of other institutions. The university asked for more than the $300,000, but after going into the matter thoroughly, it was felt that, under existing conditions, without legislative authority, no more than the amount that was allowed could be justified.

So that there seems to be no ground for the feeling that the university will not be properly taken care of by the Legislature—it always has been taken care of and I believe and know it always will be taken care of. (Applause.)

Action by the Club Meeting

THE PRESIDENT: I will now ask those who favor the proposition for the initiative measure levying an ad valorem tax of twelve cents on each one hundred dollars for the university, to raise hands.

MR. ROLLA V. WATT: Mr. Chairman, how much will that yield—has an estimate been made?

THE PRESIDENT: Something over $4,000,000 a year, and about six per cent or seven per cent will be added to that each year because of the increase of taxation values. That is about as I understand it.

MR. BEVERLY L. HODGHEAD: May I ask a question there, Mr. President? This proposed measure will serve as a substitute for all the existing sources of revenue, will it, Mr. Gregory, or is it in addition to other sources?

MR. GREGORY: No. It is a substitute.

MR. CLARK: But they will still have recourse to the Legislature—it is not exclusive.

MR. GREGORY: It is not exclusive in nature, but it is intended to be practically so.

THE PRESIDENT: Those favoring the proposed initiative measure will show their hands. Those against the measure will please raise their hands. The vote stands thirty-three for and sixty-two against the measure.

On the proposition to increase from eight per cent to twenty-five per cent the number of signatures required to submit taxation measures to the voters, we will be very glad to hear from Mr. Leslie E. Burks.

Restriction of Initiative on Taxation

Argument for the Amendment

MR. BURKS: This proposed amendment is very short and it will not take very long to explain it. It provides that where it is sought by the initiative to amend the constitution in any matters affecting taxation, it shall be necessary to secure the signatures of twenty-five per cent of those voting for Governor at the preceding election, instead of eight per cent as at present.

The object of this measure is, in the opinion of its proponents, to strengthen the present initiative law by preventing, if possible, its abuse. And in that connection I would like to call your attention to the fact that the initiative has never been invoked in this State on a matter referring to taxation, by any other than the advocates of the single tax, with the one exception, and that was in the matter of the abolition of the poll tax. The measure itself is too simple to admit of explanation, but its object is to make it more difficult for the disciples of Henry George to continue their practice of forcing the people of California to vote upon the single tax at each general election.

We have defeated their propaganda with ever increasing majorities beginning with 1912 and again in 1914, 1916 and 1918, and now, for the fifth time the taxpayers of California are called upon to expend large sums of money in fighting their iniquitous proposals.

It is hoped that the adoption of this measure will drive the single tax out of the State of California. It is not the law in any State of the Union, but our glorious climate of California seems to be especially adapted to the propagation of all sorts of "isms" and we continue to labor under the disadvantage of having to be constantly alert lest some of them be written upon our statute books. The adoption of this measure would tend to stabilize conditions in California and would materially strengthen the credit of the State in the eastern bond markets. It is for us to adopt such legislation as we choose, but when our bond issues are submitted to the great money lenders of the world, it is for them to pass upon our credit and they are already beginning to look carefully into the constant menace of the single tax in this State.

Let us maintain our credit by writing amendment number four into our initiative law. (Applause.)

THE PRESIDENT: Arguments against the proposition will now be presented by Mr. Clarence E. Todd.

Argument Against the Amendment

MR. TODD: The last speaker was not quite as candid, I think, in describing this amendment, as were the members of the committee who

reported adversely to it. I attended a meeting of the Taxation Committee last night, and the members of the Committee did not put their report on the basis that Mr. Burks has outlined at all. It was reported favorably by the Committee, by those members voting that way, as being something to curb the initiative.

Referring first to Mr. Burks' argument, that certain bad measures, as he deems them, single tax measures, have been before the people several times. The people have, as he judges, decided rightly by voting down the measures every time, and I think the figures show they voted them down by increasing majorities. That would seem rather an insufficient reason for depriving the people of the right to vote on any measure referring to taxation, not *providing* for taxation but *referring* to taxation, which takes a much wider ground than merely driving the single tax propaganda out of the state, as Mr. Burks seems anxious to do.

Direct legislation, Mr. President, is not an experiment. It has long passed the experimental stage. Twenty-three States in the last twenty-two years have adopted direct legislation. California did not adopt it hastily at all. The first State to adopt direct legislation did so in 1898. California waited until 1911, thirteen years, before finally adopting the initiative, the referendum, and the recall. Those of you who remember the campaign of 1911 know the reasons why the initiative, referendum, and recall were adopted by a vote of three to one. Now, it seems unthinkable, to anyone who regards direct legislation as anything but an empty phrase, why a measure like this to prevent the people from voting on initiative measures, should receive any considerable support in California. This is put forth as an anti-single tax measure, but as I say, it is an attack on the initiative. If it is once adopted, we know what it will be—it will be the camel's nose inside the tent, and the next thing we know we will have a measure to further cripple direct legislation, until finally it will be wiped out altogether.

The experience of California with direct legislation answers every argument in favor of this measure or any other measure, to nullify direct legislation. Mr. Rowell, in his very interesting address, told us that the people had voted upon one hundred thirty-one measures in the last ten years. Do you know how many of them were initiative measures? There were just thirty—thirty submitted on initiative and one hundred and one submitted by the Legislature. So the long ballots we have to vote upon are not due to the initiative at all, but to action by the Legislature. Of the thirty initiative proposals voted on, how many do you think the people adopted? Eight have been adopted and twenty-two have been rejected. In fact, the only objection that many

people have to direct legislation is that people generally are too conservative and cannot be persuaded to vote favorably upon matters which they are not certain upon. If they are a little bit uncertain, they will vote "No." The people are really a more conservative body in some ways than a legislative body, a delegated body.

Again, we are told that it is only the Legislature that is efficient enough and has the time and the leisure and the facilities and the experience and the wisdom to frame legislation, and especially taxation legislation. Now, the experience of the Club's section on taxation, is illuminating. There were three tax measures before that committee. Two of them which were submitted by the Legislature, this wise body which has so much time and which works out tax bills so carefully that there is nothing left but to simply agree to them. Those measures were both voted down by a practically unanimous vote. This other we are talking about now was presented to the Legislature at the last session, and was thrown out. The Legislature would have nothing to do with it. It comes now before the people on an initiative with eight per cent; they are using the very means which they propose to abolish to bring this before the people, and this measure which the Legislature rejected is endorsed by the Committee. It is really laughable to anyone who knows anything about legislative action, to say that the Legislature alone is capable of framing legislation. The Legislature meets for sixty or ninety days once every two years, and as Mr. Rowell has told us, bills are introduced by the thousand, and at the last days of the session passed by the hundred; some few of them receive actual consideration, and some few of them, perhaps, considerable consideration at the expense of the rest. Now, is the Commonwealth Club section on taxation competent to pass upon tax bills? Is the Commonwealth Club competent to review the action of the Section? I think it is. If the Commonwealth Club wishes to present legislation to the Legislature, the committee will meet every week for months, until it is in good shape, and then present the measure. Without direct legislation, what is the result? Fourteen Senators can indefinitely block any legislation in the nature of constitutional legislation, a few can block any legislation whatever. And that is what we had until 1911, and that was the reason why we added direct legislation.

The Chairman of the committee stated that one of the reasons why this was proposed was that we did not want our tax system to be a patchwork. By the initiative there has been just one tax measure adopted since 1911, and that was the abolition of the poll tax, and that change did not make a patchwork or tend to do so, but on the other hand tended to simplify. And anybody that knows anything about

direct legislation knows there is a greater and more important reason for direct legislation than the mere exercise by the people of their power to frame legislation and put it before themselves for consideration and action by their own suffrages. The fact that the Legislature knows, the fact that the fourteen Senators know, that it will not do them any good to hold up a certain piece of legislation, because the people can bring it before themselves by the initiative, is sufficient to prevent such obstructive tactics. It is very significant that not a single objection is urged to any measure proposed by the initiative that the people have adopted. These eight measures are, every one of them, good measures. Some of them we had waited for a long time. The abolition of the poll tax was one—we waited for the Legislature to abolish it, and after we got the initiative, we abolished the poll tax ourselves. We adopted the blue sky law by means of direct legislation.

When this measure came before the Legislature at the last session, Governor Stephens denounced it so forcefully that it was thrown out of the Legislature and received no further consideration. Since it has been placed before the people by the initiative, there has been a great storm of indignation all over the State.

Governor Stephens says: "The Amendment contains a blow at the fundamental principles of the initiative."

United States Senator Hiram W. Johnson says direct legislation is "the most potent weapon for the protection" of the people.

Senator James D. Phelan says: "It is the people's weapon against the incompetency and corruption of the Legislature, and wields a wholesome influence on the actions of that body."

Honorable William Kent says: "The initiative is a foundation stone of free government."

Congressman John E. Raker says: "The people had a hard battle to win the initiative principle, and it should not be now taken from them."

Congressman John I. Nolan refers to the effect of this measure as being "the impossibility of securing any modification through the initiative of the tax laws of California."

Honorable A. J. Wallace, candidate for United States Senator, says: "To require twenty-five per cent. instead of eight per cent. in invoking the initiative is to kill entirely that hope of democracy."

Mr. Edwin A. Meserve, of Los Angeles, at one time candidate for United States Senator, says: "When the proposal for the adoption of the initiative first came before the people, I was not very much in favor of the experiment. But I am now utterly opposed to any attempt to lessen the power which the initiative now reserves in the people."

Samuel M. Shortridge is opposed to it as being special legislation. The Presidents of both Universities of the State are on record against it, and many thousands of the people who gave direct legislation to the State urge you to vote this down so overwhelmingly that never again will there be a measure before the people of the State of California that they shall abdicate their sovereign function. (Applause.)

THE PRESIDENT: There have been several requests by members of the Club to talk on this subject, in addition to those named on the program. Mr. Zion has asked for the privilege of addressing the Club upon it. Kindly make your remarks brief, Mr. Zion—there are two others to discuss it, and I would like to give them about one minute each.

Remarks by E. R. Zion

MR. ZION: This amendment was referred to the wrong committee. It went to a rather conservative, almost reactionary, committee, if we may judge by the way some of their recommendations have been received in the vote here tonight. It should have gone to the committee on direct legislation. That committee is responsible largely for the provisions in the constitution on direct legislation, and we appreciate its value to the community.

We do not realize, sometimes, the value of the power of taxation. It is the most potent force there is politically. It is the simplest, quickest, and most efficient method of accomplishing any reform. You can build up monopolies by it; you can destroy them by it. It is the most powerful weapon the Federal Government has had during the whole war and prior to the war. Through the power to tax, we encourage industries, we build up monopolies in some cases. Through the power to tax we take eighty per cent. of the income of the man of very large business by means of the graduated income tax. Locally, we have used it to suppress the liquor traffic, where, for instance, a saloon license was $2000 in Mill Valley and at the same time it was $80 in San Francisco—one saloon in Mill Valley and three thousand here. By those things you may judge how far you can go with the power of taxation. And when a provision is proposed under which it takes a petition containing twenty-five per cent. of the last vote to get a tax measure on the ballot, it simply means you are deprived of really the chief weapon of accomplishing social and economic reform. (Applause.)

Remarks by Frank V. Cornish

MR. CORNISH: While I am opposed to the single tax and agree with the State Controller, I simply want to read what he says on this question. He says: "The people of California are distinctly and

positively on record in favor of the initiative, and knowingly they will never consent to any proposal that not only will weaken it but open the way to its ultimate destruction." He says a good many other things which are along the same line, and is positively opposed to the passage of this measure.

I do not sympathize with the opinion expressed here that we should drive the propagandists out of the State, because we do not agree with them. They sometimes stimulate activity along lines that should be investigated, and I am one of those who do not feel satisfied with the present tax laws. While I do not consider that single tax is the remedy or cure-all, I do believe that we ought to be grateful to our fellow citizens, respectable, I believe, and earnest and sincere in their undertaking, who have brought this question before the public; and we should not attempt to oppose them on the ground that it is an expense to meet their arguments. Arguments have to be met, and if occasionally we have to spend money for publicity, I think the total result is that we are all better informed thereafter. Therefore I believe that the policy of an opposition on that ground is wrong.

Action by the Club Meeting

THE PRESIDENT: We are now ready for a show of hands upon this proposition. The proposition is as to whether or not it is desirable to increase from eight per cent to twenty-five per cent the number of signatures required to submit taxation measures to the voters. Those favoring the proposition will please raise their hands. On this subject the committee has reported twenty-one to eight in favor of the proposed change.

A MEMBER: Which way are we voting?

THE PRESIDENT: An affirmative vote is a vote in favor of the initiative measure, which calls for raising the required number of signatures from eight to tweny-five per cent. Those in favor will raise their hands. Opposed, the same sign. The vote is thirty-five for the measure and seventy-two against.

The Community Property Act

THE PRESIDENT: There is pending a proposition which provides that, on the death of the wife, one-half of the community property goes to the husband and the other half is subject to disposal by will of the wife. On the death of the husband, one-half goes to the wife, and the other half may be disposed of by will of the husband. If the will gives the property of the decedent to a person other than the surviving spouse or a lineal descendant, the consent of the survivor in writing attached to the will is required.

The argument in favor of this proposition will be presented by Senator Herbert C. Jones, and I have great pleasure in presenting Senator Jones. (Applause.)

Argument in Favor of the Act

SENATOR JONES: A series of laws dealing with community property were introduced in the 1919 Legislature by the Women's Legislative Council of California. None of these measures were passed in their original form. The bill actually passed by the Legislature and now before the voters on referendum did, however, embody a portion of the changes asked for by the council. The council has, therefore, accepted the bill passed and is advocating it because it is a marked improvement over the present community property law. The Women's Legislative Council is composed of organizations of women numbering 90,000 members. This bill therefore is being sponsored and advocated by the organized women of the State.

General Scope of 1919 Law

Community property is property accumulated during marriage, and is distinguished from separate property which is that owned before marriage or acquired during marriage by inheritance or gift. The 1919 Community Property Law deals only with community property. It does not affect the separate property of either spouse. It does not affect the control or management of the community property. The act deals only with the disposition by will of the community property.

Existing Law

At present when the wife dies all of the community property belongs to the surviving husband. The wife has no power to will any of it. Not so, however, when the husband dies. Then the wife takes one-half as an heir of her husband. The other half the husband can will. He can leave it to whomsoever he pleases. If he dies without a will it goes to the descendants, or if there are none, then to his heirs.

Changes Made by 1919 Law

The 1919 law makes the following changes:

1st: It gives to the wife a right which she does not now have, namely, the right without any qualification to pass by will one-half of the community property to her children or husband, and the further right, on obtaining the written consent of the husband, of leaving any part of this one-half to others.

2nd: The husband's present testamentary power over one-half of the community property is curtailed so that his rights in this respect are the same as those of the wife. If he desires to leave this one-half to others than his descendants or wife, he must secure his wife's written assent to the will.

3rd: If the husband dies without leaving a will, all of the community property goes to the surviving wife, instead of one-half to her and the other half to the husband's descendants or heirs.

4th: Attorney fees and probate fees are reduced, no longer being computed on the whole community property, but only on the half belonging to the decedent.

Not New Legislation

This community property system embodied in the 1919 law existed in California in the old Spanish days. It was even then a very old and stable institution firmly fixed in the jurisprudence of France and Spain and their colonies. It was based upon the fine conception that husband and wife, by their common industry and sacrifice, contributed equally to the gains of the marriage. The system was adopted without substantial change, in 1850, by California's first legislature. It was adopted also by Louisiana, Texas, Arizona, Idaho and Washington which have retained it substantially as adopted. But in California, about ten years after its adoption, under the influence of the English system, the Legislature began to cut down the wife's rights and to increase correspondingly the rights of the husband, and equality between husband and wife was destroyed.

It will therefore be seen that the 1919 law, instead of being an incursion into the field of new and untried legislation, represents rather a return to the fundamentals of the community property system.

Necessity for 1919 Law

The injustice of the present law that has given rise to an ever increasing demand for reform is the inability of the wife to make any provision for her children. The class of cases when the need for this arises most frequently is that in which, after the wife's death, the husband re-marries, and by will is enabled to convey to his second wife all

the property which the first wife aided in acquiring. In these cases the children of the first wife are frequently left without any property.

Not Injure Business

The readiest proof that this law will not hurt business is that laws very similar have been in effect for many years in states like Texas, Washington, Arizona, Louisiana and Idaho, and have not affected the prosperity or retarded the material advancement of these commonwealths. Experience shows that our natural conservatism is apt to fill us with fears that are groundless. Under the existing law, as it has stood for many years, a great many community businesses are liquidated by the death of the husband, the children taking over a half interest when he dies without a will.

Point of View

From the masculine point of view there may be some objection to curtailing the present advantage given the husband that he has so long enjoyed, but from the standpoint of husband and wife there can be no objections. It puts both on the same footing. The wife for a great many years has been forced to get along without the right to will any of the property she helped acquire, even to her children.

Law Can Be Perfected

No one contends that the 1919 law is perfect. New legislation seldom is. Laws are modified and improved as experience brings out the weak places. So in the case of this law. It can be amended as necessity may be shown. It is, however, just in its fundamental principle of equality between husband and wife. (Applause.)

Argument Against the Act

MR. MONROE: At the last session of the Legislature, as a result of the activities of certain women's clubs, a somewhat comprehensive scheme of legislation was enacted affecting community property interests. A number of bills were passed, all really forming part of the general scheme. Strenuous opposition developed to these bills, which, however, did not function in a very healthy manner until the bills had reached the Governor's desk. Governor Stephens accorded a public hearing to the opposition, and, apparently impressed by the arguments presented, pocket vetoed part of the bills. This veto power was, we think, none too wisely exercised, because some of the bills vetoed were necessary to the proper functioning of those remaining, and, to our mind, those signed are more objectionable than those vetoed.

The bills signed amended sections 1401, 1402 and 1271 of the civil code of this State, and added a new section 1402a to the same code. These amendments were found in Senate Bill 471, the operation of which has been held up by the referendum, which will submit it to the voters at the coming general election.

Section 1401 provides that one-half of the community property, upon the death of the wife, belongs to the surviving husband, the remaining half, subject to the provisions of section 1271, being subject to the wife's testamentary disposition. In the absence of such testamentary disposition, the entire community property goes to the surviving husband. Under the provisions of section 1271, neither husband nor wife can make a testamentary disposition of community property without the consent of the other, except that either spouse may, without the consent of the other, make such disposition in favor of the other spouse (sic) or of the lineal descendants of the testator.

It is this section 1401 which brings consternation to the business world. With it in force, every business man faces the possibility of seeing his business at any time thrown into the probate court for liquidation. Time will not permit me to consider the minor and technical defects to this, and, indeed, it is unnecessary; if you can swallow this morsel, the crumbs will not choke you.

The attempt to safeguard the interests of the husband by providing that the probate court may, and so far as the proper administration of the estate will permit must, continue the management and control of the community property in the husband is scarcely a palliative.

The hard fact remains that the death of a wife, leaving a will, forces a man's business into liquidation. Even if the business could survive this ordeal, I ask you, how many businesses are there that could stand the sudden withdrawal of half of their capital? And what becomes of a man's credit? Credit is extended to him now on the strength of his business as a going concern. With this constant menace impending, his credit is gone, or can only be preserved by adding his wife's name to his every obligation. Will wives with separate estates relish this alternative, and will the securing of the wife's signature tend to sweeten marital bliss or promote domestic harmony? It might be well to note too that the evil consequences of this bill will fall most heavily on the comparatively small tradesman. The merchant princes usually do business through the instrumentality of corporations. If this bill becomes a law, instead of the old complaint, "I lost my wife and seed corn too," we will often hear, "I lost my wife and business too."

Section 1402 provides that, upon the death of the husband, one-half of the community property belongs to the surviving wife, and the

other half is subject to his disposition, subject to the same restrictions as above noted, and, in the absence of such disposition, all goes to the wife without administration. I suppose that we lawyers should not complain at this because every man, if he wishes to care for his children, will see the necessity of making a will; but will anyone tell me why the wife should take all of a man's earnings in case of intestacy to the exclusion of his children? The answer, of course, will be that that is what happens now to the community property if the wife dies. To this I would reply that, in spite of the theory of the community property laws, it is the man who, in the vast majority of cases, produces the property of the community. Having produced it, he is far more likely to keep it together for the support of the family than the wife who usually is lacking in business training and experience. It is not a question of the wife's desire to care for her property and her children; it is a question of her ability to do so. Also, although we may not all subscribe to the elder Weller's admonition to his son, we do know that widows are attractive, and not at all unlikely to remarry, and also, as a corollary, that they usually turn the management of their affairs over to their second husbands. This may or may not be a good thing for her aforesaid affairs, but in any event, the children of the first husband are little likely to profit by the arrangement. It is the husband's duty in life to care for his offspring, and why should the law deprive him of the privilege, when his time comes to die, or so grudgingly accord it to him that he must fee a lawyer to draw a will for him in order to enjoy it.

Probably too, the courts would hold that this power of testamentary disposition is limited to a direct bequest to a lineal descendant, so that a spendthrift son could not be provided for by a trusteeship. A little philosophy, however, makes this all tolerable. Man and wife are one, and the ladies seem to want to be the one. Perhaps if they go too far though, more of them will remain in that state of oneness which, for euphony, is called blessed.

Section 1402a was intended to exempt the wife's share of the community property from the payment of inheritance taxes. With the purpose of this section, we have no complaint, but it has been suggested that the wording of the section would result in the imposition of an inheritance tax upon the husband on the community property which goes to him upon the wife's death without testamentary disposition of the same. We can scarcely believe that the framers of this bill had this in contemplation, and yet it is possible that it was thought that the husband has become so accustomed to paying the freight that he would not object. Possibly it was even thought that he would be less lonely

if he continued to pay his wife's bills after her decease. I would suggest, however, that the Association of Free and Emancipated Husbands carefully consider this section before advising its members to vote for it.

Section 1271, to my mind, is the crowning iniquity. This section provides that neither husband nor wife can dispose of his or her half of the community property, except to the other spouse, or to lineal descendants, without the written consent of the other spouse attached to the will. If this becomes the law, a man could not, without his wife's consent, make provision for the support of an aged parent or for the help of an indigent brother or dependent sister. No charity could be aided by him, no dear friend remembered, unless his wife in writing concurred. Can it be that the good people of this State will subscribe to such an unnatural proposition as this? (Applause.)

Remarks by Garret W. McEnerney

MR. MCENERNEY: Mr. Chairman, I have come here tonight, because in my opinion, this is the most mischievous law that has ever been passed in California. I have taken the trouble to print a leaflet explaining my conception of the law, and copies will be at the service of any member of the Club as he passes out.

The objection that Mr. Monroe makes first, I make last; and the point on which Senator Jones bases his defense of the act, does not touch the two gravest objections to it. This act is designed to tear down the rights of husbands, created in 1861. For sixty years we have had a community property law under which the husband has had just rights. It is now proposed to take these away from him, on the theory that it is necessary to do so in order to secure what is called equality for the wife.

This is how she gets it: *Point 1.* Under the proposed law, if the husband dies without a will, everything he has (community property) goes to the wife. Under the present law she gets only one-half of it, and his children get the other half, and if he has no children, it goes to his collateral kin, father, mother, brother and sister. There is a natural inclination among men to put off making a will. In sixty years the idea has become ingrained in them that if they die intestate, their wives will succeed to a half interest. Now she is suddenly to have the whole of it. Many men, unmindful of the change, will go down into their graves, excluding by their negligence their children. Their parents and brothers and sisters will also be excluded.

Point 2. No husband will be able to will five cents to anyone except his wife and children, without the consent of his wife. If this measure

is adopted, every will now in existence in which a husband makes testamentary disposition of a five-cent piece to anybody but his wife or his children will be invalidated. He cannot leave five dollars to his mother, he cannot leave four dollars to his sister, he cannot leave three dollars to an orphan asylum, or two dollars to a hospital, without having the signature of his wife on the document.

Point 3. My last point (and all of this is dealt with by me in six pages in my leaflet) is that under the proposed law, if the wife dies before her husband, she will be able to will away one-half of the property. The situation that this would give rise to is summed up in these lines:

"Imagine the consternation of the head of the family, conducting a large business, on realizing that a partnership which he had long denied to an unfriendly stepson, or an arbitrary son-in-law, or even to his own wayward boy, dear to his mother's heart, had been in effect created by the will of his wife, whose mother love had outrun her prudence." (Applause.)

Action by the Club Meeting

THE PRESIDENT: I will now ask for a show of hands on this proposition. Those in favor of the measure as proposed, and which is now being submitted on referendum, that is, those who favor the measure making the change in the law will please raise their hands. Those opposed will raise their hands. The vote stands seven for the measure and eighty-three opposed.

The Committee on Election Laws has a report to make, and this report will be presented by Mr. William H. Jordan, the Chairman.

The Absent Voters' Amendment

MR. JORDAN: It was thought by the committee that someone would be found to appear here this evening to speak in favor of this constitutional amendment. Unfortunately no one has been found. The committee has written to the sponsor of the measure, Mr. Ambrose, of Los Angeles, asking him either to be present, or to write a letter expressing his views upon the subject, but we have received no reply. However, as Mr. Ambrose did reply to our communication sent him two years ago, and did express his views touching this same measure which was then before us, and as others present at that meeting expressed their views upon the measure, in advocacy of it, I presume that we may take their views then voiced as the views they now entertain. And they are generally these; that the measure is intended to afford those who are regularly obliged to travel throughout the State the opportunity to vote wherever they may happen to be upon election day, and that this class is composed chiefly of railroad men and commercial travelers; to this class is added soldiers, other than those in the regular army and navy, those that are particularly in the service of the State under government control, who are to be given the privilege of voting wherever they may happen to be, provided they are within the jurisdiction of the United States, and also provided that there are at least fifty in one encampment. That clause was added after the original measure was first proposed.

Now, the committee reports adversely to the adoption of this amendment. There is a history connected with it. In 1914, a measure for the voting of absentees was proposed in the Legislature. It passed both houses, but failed to secure the signature of the Governor. In the winter of that year, this same measure, except the military features, was proposed by referendum petition to the people of the State, and it was snowed under by the tremendous majority of 250,000.

Not satisfied with this at the time, the measure was again brought up before the Legislature, but in the meantime the Supreme Court had held that no scheme affording absentees an opportunity to vote away from their precinct was constitutional. For this reason the measure was dropped in the Legislature, and a constitutional amendment, which is this identical amendment, known then, however, as Constitutional Amendment Number 1, was submitted to the people, and that also was snowed under by a majority of over 145,000. That amendment contained this feature concerning the voting of soldiers and sailors, which was not in the original proposition. It was doubtless thought that this clause, by reason of its popularity—the war being then on and everybody being anxious to help our soldier and sailor boys to anything they

might want—would bring to the support of the measure a sufficient vote to secure its adoption, but it did not.

Not content with these defeats, the measure is now again presented to the people, under the guise of Assembly Constitutional Amendment Number 10, and the committee believes, that its many defeats entitle it to be regarded as *res adjudicata.*

But we have other and very substantial reasons for suggesting to you that it ought not to be adopted. First, we believe it to be wrong in principle. Second, that it is absolutely unworkable. Third, that it is useless, and, still further, that it would impose upon the people of this State an extravagant and unbearable expense.

It is wrong in principle because it does not accomplish what the designers of it had in mind that it should accomplish, and even if it did it is a most vicious piece of class legislation. The real principle underlying it is, to afford absentees as such a chance to vote—and the author classes those as absentees who, by reason of their business, are *regularly* required to be absent from their polling places upon election day.

Now, who are these voters? Those who advocate the measure frankly say that they are for the most part railroad men and commercial travelers. Very well, but how about other absentees such, for instance, as laborers up in the Hetch Hetchy Valley working for the city and who live here? When election day comes, could they vote there? No. Their business calls them to be absent, yet they are not travelers about the State and hence are denied the privilege provided by this proposed law. How about the case of the man who goes down in the State somewhere to build a large structure, such as a power house, or a court house, or a bridge—could he vote? His business compels him to be away from home. The answer is no, because he is not cempelled *to travel* about the State. How about a crew upon a vessel that regularly runs from here to Los Angeles or San Diego; they are compelled to travel by their business calling—could they vote? No, since under this law they must be traveling *about the State,* and they are out part of the time beyond the three-mile limit. Again, how about the business man who is compelled to leave his home and be absent upon election day, could he vote? No, because he is not *regularly* required so to do. So all absentees are not to have the opportunity of voting under this law. Only a privileged few.

Can the soldiers and sailors of this State who are away vote? They can provided there are fifty of them in any one encampment. Who shall determine that there are fifty in any one encampment? And how are we going to get the information in advance that there are to be

fifty in any one encampment in any jurisdiction throughout the United States? Who will tell us? There is no known record from which this information may be obtained. How will the county clerk know where to send the ballots? He certainly can't tell, and there is no way in the world whereby he can be advised.

Again, consider the fact that the jurisdiction of the United States includes the Philippines, Guam, the Hawaiian Islands, the Aleutian Islands, the Virgin Islands, Porto Rico, Alaska and the entire United States. And in all of these places there are soldiers and sailors. Who is going to tell whether there are fifty in any one place and how can you get the ballots to them in time to have them vote upon election day? The law provides that they must vote upon election day and at no other time. How is it possible? Thirty days before election, the Secretary of State must certify to the County Clerk the names of the persons to be put upon the ballot. And oftentimes, as we know, his certificate is held up by writs of mandate, or by injunction, and it is frequently all the clerks can do is to get the names and print them on the ballots in time to get the ballots in the hands of the voters upon election day. How will he get those ballots over to the Philippines? How will he get them to Porto Rico, or the Virgin Islands, and elsewhere throughout the entire jurisdiction of the United States, and have them safely there before election day? Such a law is utterly unworkable and impossible of execution.

Again, who shall determine not only where the encampments are, but that there are not less than fifty person in each place who can vote? To determine these matters commissioners would have to be appointed to go out and take the necessary evidence—possibly they might take the ballots with them. And what is this all going to cost? The expense of it would be enormous and the State could not afford it.

In the opinion of your committee, the proposed constitutional amendment is unworkable, vicious, worse than useless and should never be inscribed upon the Constitution of our State. (Applause.)

Action by the Club Meeting

THE PRESIDENT: Are you ready for a vote on this proposition? Those favoring the proposition will please signfy by raising their hands. Those opposed, the same sign. The vote is one for the measure and forty-nine against.

We still have two propositions that we desire to have discussed. One is irrigation, and I will ask Mr. Frank Adams to explain the measure and to give reasons for and against it as they appear to him.

The Irrigation Act

MR. ADAMS: This act amends sections 1, 2, and 9 of the California Irrigation District Act, popularly known as the "Wright Act." The amendments of sections 1 and 2 are routine and involve no important principle, merely being intended to improve verbiage. The amendment of section 9, however, which permits the organization of an irrigation district by majority vote of the electors voting, instead of a two-thirds as at present, is important, and is the one which caused the bill to go to referendum.

Reasons in Favor of Adopting the Act

The California Irrigation District Act is the accepted law for the organization of community irrigation enterprises in this State, and since irrigation is the measure of the most successful agricultural development in at least 90 per cent of the State, and there is now great need for more agricultural production, the irrigation district act should permit organization whenever a majority of the electors so desire. The irrigation district has been eminently successful in California and the philosophy on which it is based and under which it has succeeded is that the good of the greatest number, not of the largest financial interests, should govern in matters of community betterment. Whatever opposition there is to the formation of irrigation districts under this act almost invariably comes from the larger landowners. These larger owners are usually able to organize opposition to irrigation district movements more effectively than the more numerous and more scattered smaller owners, which places the smaller owners at a disadvantage, and frequently blocks irrigation development that would be of very great good to the communities involved. Frequently the larger owners are absentee owners who are content to dry-farm or to devote extensive areas and large water supplies to cattle raising, to the continued detriment of the community as compared with the intensive and diversified agriculture and community economic and social betterment that invariably have followed important irrigation movements in this State. The "majority rule" has proven to be a safe rule in popular government and strongly-intrenched large private interests should not be permitted to thwart it, and in doing so to prevent the development of needed irrigation water supplies, or the most economical use of water now being much less economically used for irrigating pastures. These larger interests are sufficiently protected from unwise movements through the effective control now exercised over the formation of irrigation districts by the State Engineer, and over the financing and construction of irrigation district works by the State Irrigation District

Bond Commission; by the provision of the bill which requires either the signatures of a majority of the land owners, representing a majority in value of the lands, or of 500 electors or property owners, representing 20 per cent of the value of the lands to be included, to any petition for the formation of a district under this act; and by the requirement that bonds can be issued only after authorization of a two-thirds vote.

Reasons Against Adopting the Act

Since it is the qualified electors under the general election laws of the State, rather than the interested landowners, who vote on the formation of irrigation districts under this act, and since there are fewer voters among the larger landowners than among the smaller owners, justice to the larger landowners demands that a strong preponderance of sentiment, as is evidenced by a two-thirds vote, be favorable before an irrigation district be forced through. The larger landowners represent the larger material interests to be affected by the formation of an irrigation district, and since the material interests pay the cost, those who represent the majority of such material interests should be given greater measure of control than they can exercise if a majority vote, as provided in the amendment on referendum, is sufficient to carry an election. The property of the larger landowners frequently represents very heavy financial investments which their owners should be permitted to develop and administer as they deem for their own best interests, and without interference from others, and particularly from those who are merely electors and not property owners in the proposed district. Even under the present "two-thirds" rule, owing to the smaller number of votes that can be cast by the larger owners in local elections, irrigation districts can be forced through to the injury of these larger owners. Irrigation development should proceed conservatively, and in accordance with well-evidenced demand for new lands, but if a majority of the electors are permitted to vote a district, there is danger of proceeding more rapidly than the demand for new lands warrants. While it is to be admitted that no bonds can be issued by an irrigation district unless authorized by a two-thirds vote of the electors, once an irrigation district is formed it has, within certain limits, the power of levying taxes for the purposes of the district, and it is of vital concern that this power shall not be granted unless the approval of at least a majority of the landowners, rather than of electors only, is given.

Remarks by Henry E. Monroe

MR. MONROE: If I may have just a minute on that, Mr. President. I come originally from a section of the country where irrigation is a

very vital matter, and the question whether a district was to be formed, or not, was left simply to the qualified voter. That does not mean the property owners at all. The people that vote on the question are, many of them, not interested, they have no taxes to pay, and it makes no difference to them one way or the other. So it seems to me the proposition of requiring a two-thirds vote is only just to substantial property owners that have to pay for it. If the sentiment is not strong enough to get the two-thirds vote of those in favor of the district, then it would seem to me to indicate the proposition should not be adopted, because the average voter is generally disposed to vote in favor of any proposition of that kind—the average voter has no property.

THE PRESIDENT: What is the pleasure of the meeting? Shall a show of hands be taken on this matter?

MR. CLEVELAND DAM: I move that we omit it, Mr. President.

(The motion was seconded from the floor.)

THE PRESIDENT: It has been moved and seconded that we omit a vote. All those in favor of the motion will say aye. Contrary, no. The ayes have it and it is so ordered.

We are now ready to hear Mr. Rolla V. Watt on the question of prohibition enforcement.

The Prohibition Enforcement Act

MR. WATT: This is "The Harris Law," Senate Bill Number 390, entitled "An Act Enforcing the Provisions of Article Eighteen of the Constitution of the United States Prohibiting the Manufacture, Sale, Storage, Service, Gift, Transportation, Importation or Exportation of Intoxicating Liquors for Beverage Purposes; Regulating All Other Traffic in Such Liquors; and Providing Penalties for Violations Hereof."

The eighteenth amendment to the national constitution became effective January, 1920. It was submitted to the States by a vote of more than two-thirds of each House of Congress and was ratified by the Legislatures of forty-five of the forty-eight States—nine more than the thirty-six required. It prohibits the manufacture, sale, transportation, etc. of all intoxicating liquors for beverage purposes within the United States and provides that Congress and the Legislatures of the several States shall concurrently by appropriate legislation enforce its terms.

In obedience to the Constitution and for enforcement purposes, Congress by a vote of more than two-thirds of each House passed the "Volstead Act" and the *California Legislature* enacted the "Harris Law." The "Volstead Act" and the "Harris law" are substantially the same. Both define intoxicating liquors as those containing one-half of one per cent. or more of alcohol by volume (thus following a governmental precedent established for many years), and prohibit, under penalties provided, the manufacture, sale, transportation, etc. thereof for beverage purposes, but permit the same under reasonable safeguards for sacramental, medicinal, scientific and industrial purposes. The "Volstead Act" puts in operation the Federal courts and offices, and the "Harris Law" puts in operation the State courts and offices.

The Constitution is not self-executed. It declares rules of conduct but provides neither penalties nor means of enforcement. Without such laws as the "Volstead act" and the "Harris law" patriotic law-abiding citizens would voluntarily obey the constitution, but others would undoubtedly violate it. The eighteenth amendment and the "Volstead act" have been approved by the unanimous decision of the United States Supreme Court. It follows that the "Harris law" is also valid.

The referendum on the "Harris law" may be regarded as an *attack* on the national constitution since the failure to enact the "Harris law" would cripple the enforcement of the constitution in California. *There is but one lawful method of attacking the constitution and that is by*

amendment. It is equivalent to the nullification or defiance of the constitution to defeat, or trifle with, laws which enforce it. The "Harris law" is California's *only* law for the enforcement of the eighteenth amendment and refusal to affirm it at the polls under the referendum is equivalent to a refusal of California to aid in enforcing the national constitution and the laws enacted by Congress. It would be to yield to the lawless element of society.

The "Harris law" is not a prohibition law, but is a law to enforce the constitution and the laws enacted by Congress.

MR. R. M. J. ARMSTRONG: Mr. Chairman, I have heard but one objection to the Harris law as presented, and that is because of its rather drastic provisions for search and seizure. I am not familiar with that myself. I wonder whether Mr. Watt is—as to the provisions contained in that act for search and seizure? If the objections are as they are stated to me, and I have not read the act, I believe they constitute a valid objection to it as it is a little too drastic.

MR. WATT: I have the act here, if you would like to read it, I am informed by those who are fairly familiar with it that it has no such provision in it.

Action by the Club Meeting

PRESIDENT GRUNSKY: The question is now upon the prohibition enforcement act. All those favoring the act will please raise their hands. Those opposed no. The vote stands forty-four for and none against.

MR. ARMSTRONG: I did not vote upon the matter, Mr. Chairman. I would be for the act if I were entirely sure that one clause was not in there.

PRESIDENT GRUNSKY: Another matter before us, then, is the anti-vaccination initiative. A report has been submitted on this subject. Dr. Ophuls, can you make a brief statement with reference to this matter?

The Anti-Vaccination Measure

DR. OPHULS: Dr. Wilbur, Chairman of the Section on Public Health has prepared the following statement of the reasons for and against.

Argument for Measure

Compulsory vaccination of school children or college and university students is unfair, unnecessary and contrary to the rights of the individual. Those who wish to be vaccinated are not interfered with in any way. Vaccination is harmful, useless and introduces a foreign substance into the system which should be kept uncontaminated.

Argument Against Measure

No fact in all human knowledge is better established than the protection of the human being from smallpox by vaccination with cowpox. Smallpox is no longer a terrible scourge in civilized countries because of vaccination. Before its introduction no servant or nurse was acceptable in households containing children unless pockmarked from an attack of smallpox. It was such a source of terror that there is a more widespread fear of it than of any other disease. It has practically disappeared from countries requiring vaccination and from all modern armies.

In California we are near Mexico with its epidemic of severe smallpox and our only safety is in universal vaccination. If a considerable portion of any community is unvaccinated, it is certain that sooner or later smallpox will become epidemic there. The disruption of school or college life is complete whenever smallpox occurs. Every school and college should protect itself and the lives of its members by such a simple process as vaccination. Vaccine is safe and requires but a small amount of discomfort from the individual both for his own protection and that of the community. The simple dictates of common sense and the necessities of public health control make the needs of the community more vital than the wish of any individual. There is no valid argument against the efficacy of vaccination. Only those who refuse to recognize facts maintain otherwise.

The measure should be defeated.

THE PRESIDENT: If there is no objection, we will take a show of hands on this measure. Those favoring the anti-vaccination law will please raise their hands.

Remarks by Peter V. Ross

MR. ROSS: Mr. President, it seems to me the subject has been so inadequately presented from the standpoint of the amendment, that it

is hardly fair to vote upon it upon this occasion. The question is not as to the virtue of vaccination, but whether vaccination should be forced on those that do not care for it. The amendment does not interfere with the right of people to enjoy vaccination, if they believe in it, but this is a proposition of forcing it upon others who do not care for it. So I repeat that the issue is not as to the virtue or the necessity of vaccination in any sense. The issue is on whether vaccination should be compulsory, and that has not been met in that report. The report concerns the efficacy of vaccination only. So far as the Doctor's presenting the virtues of vaccination is concerned, everybody knows that vaccination carries extreme risk to the subject. It is not a safe remedy, it is not safe in any sense. Vaccination is a debatable measure, any way you put it. The medical authorities are divided upon it; perhaps a majority of doctors agree that it is better than non-vaccination, but they all understand and everybody knows that vaccination carries extreme danger. It brings sickness, it innoculates sometimes with loathsome diseases, and incidentally it brings death to the subject. Now, a practice that carries so much danger and is debatable as to its being a good preventive, certainly ought not to be forced upon people who don't want it, especially when we remember that those who believe in it may have it.

MR. KEPNER: May I ask this question, if it is not true at the present time that one does not have to have his children vaccinated in school if he does not want to? I know that every year a report comes into our house asking if we object to it. I don't think anybody is required to be vaccinated if he wishes not to be.

Action by the Club Meeting

THE PRESIDENT: This measure is annulling all laws requiring vaccination as prerequisite to admission to schools, etcetera. Those favoring the proposed measure will show their hands. Those opposed will raise their hands. The vote stands eight for and forty-three against.

Anti-vivisection is another proposition, forbidding experiments on animals for testing or developing curative measures against disease. Are we sufficiently informed to have a show of hands on that?

DR. OPHULS: Do you desire me to read a short statement on that?

MR. ARMSTRONG: I think we are all thoroughly familiar with the pros and cons on anti-vivisection.

THE PRESIDENT: It has been debated here before. If there is no objection, we will take a poll without having the report read, and con-

sider the report filed*. Those who are for forbidding experiments upon animals for testing or developing curative measures against disease will please raise their hands. Those of the contrary opinion will raise their hands. The vote stands three for the measure and fifty-one against.

There is one other measure, and that relates to the establishment of a board to examine chiropractic practitioners, and to regulate their practice. Have we any report on that?

* See Appendix, p. 275.

Chiropractors' Bill

DR. OPHULS: I have a brief report on that.

Argument for Measure

This measure is to set up a separate board of examiners and special laws to protect the art and science of chiropractics. This is a new form of healing for which special schools are established. Its merits are unique and its benefits great. It is impossible under the present medical practice act to get justice for the chiropractor who must take an examination for a license as a drugless practitioner from a hostile Board of Examiners unfamiliar with the merits of chiropractics.

Argument Against Measure

The present medical practice act offers ample opportunity for deserving drugless healers to obtain certificates to practice. Chiropractics is a form of spinal manipulation and vibratory massage with perhaps some small merit, but it has no distinctive value as a healing system. It is notoriously the newest and cheapest of such methods of treatment. Its so-called schools are totally unworthy of any consideration as educational institutions. Without preliminary education worthy of the name, a so-called "course" is gone through and a diploma granted. No greater educational fraud exists in this country. Large promises of financial reward are held out and a protective association has been formed because of the invariable difficulties associated with unexpected death and injury that is a part of any care of the human patient.

Like all forms of so-called healing, chiropractics has its advocates. Such a large part of human ailments automatically recover, and such a large percentage of suffering is mental in origin that this is inevitable.

California has already gone to the limits of safety with its present medical practice act. It ought not to bear the disgrace of such a measure as this which New York has just escaped. The lives of our citizens, the welfare of our communities require trained skill. The day of the protection of the medical mountebank by the state should be over.

The measure should be defeated.

THE PRESIDENT: Is there anything to be said on the other side of this question? If not, those who favor the establishment of a board of examiners for chiropractic practitioners will please raise their hands. Those opposed will raise their hands. The vote stands none for and thirty-five against.

Is there any other matter to come before the meeting tonight? If not, we will stand adjourned.

APPENDIX

Initiative Anti-Vivisection Measure

Report Prepared by Dr. Ray Lyman Wilbur, Chairman Club's Section on Public Health

Argument for Measure

There is no value in pathological or physiological experiments on living animals. Nothing that could not otherwise be learned has ever been derived from vivisection. Gross cruelties are practiced in the laboratories of the State in the name of science. These have a debasing effect upon the experimenter and the student and should be stopped.

Argument Against Measure

The advance of modern sanitation and modern medicine and physiology has rested on animal experimentation. Without such experiments we would never have been able to stop the scourges of smallpox, typhus, typhoid, cholera, diptheria, plague, yellow fever, malaria, etc. once so prevalent; we could not have built the Panama Canal after the French failure due to tropical diseases; nor could we have put the wonderful army into the field that fought for us in the Great War. Modern surgical operations and the protection of the mother from the fearful childbed fever would be impossible but for experiments on animals.

This measure is unnecessary special legislation due to prejudice and misinformation. No one will tolerate cruelty to animals. The present laws of California are very drastic and quite sufficient to control any abuse. There is no cruelty to animals in the laboratories of the State. Those in charge of them are men and women of the highest character who are unselfishly working to better the lot of their fellow men. Anesthetics are always used for animals in the laboratories in exactly the same way that they are used by surgeons in the operating room.

Every man, woman and child, every unborn babe, every domestic animal in the State will be affected if this measure becomes a law. It is aimed at every effort being made to control and understand the diseases of men and animals. Through years of intense study much has been learned of the causes of disease and of disease processes. We still have much to learn. We can never understand and control many forms of heart and kidney disease, diabetes, cancer, tuberculosis and nervous diseases without animal experiments.

All progress is based on good common sense and an acceptance of established facts. We must make trials to know how to do things.

Who would dream of letting an engineer take a trainload of passengers out on the road who had never seen an engine *go*?. He might know every part and yet wreck the train. So, too, our physicians and scientists must study carefully the living bodies of animals and how they act, if they are to be trusted with the lives of our families and the health of our communities.

Without dairy cattle we could not raise our children. Without animal experiments we cannot protect our herds from disease. Millions of dollars, aside from the great relief of suffering, is saved our State each year by the control of hog cholera, anthrax, black leg and various diseases of cattle, horses and chickens. If this initiative measure had been a law, we could not have done the experimental work at the two universities of the State which have made it possible to control botulism, the kind of food poisoning that nearly ruined the olive industry and which is just as important for every other fruit and vegetable industry in the State.

The question is between prejudice and science, ignorance and knowledge, fancy and fact. With this measure a law, every physician will find his hands tied. It may be your baby or your wife or your husband who will need an animal sacrificed to save life or to give life-saving information. A vote on this measure means a choice—Which shall it be, a guinea pig or an innocent baby?

The measure should be defeated.*

Sale of Poisons

The following statement on Senate Bill Number 604 on which there is a referendum petition is furnished by President Ray Lyman Wilbur of Stanford University.

Argument For the Referendum

This bill narrows the scope of work of those having to do with the treatment of the sick who have not been regularly licensed to practice medicine and surgery by the State of California. Its provisions are hampering to the trade, and interfere with the practice of some of the holders of drugless certificates.

Argument Against the Referendum

This bill is aimed to prevent the free and reckless use of poisonous drugs. Its particular value is its control of the use of narcotic drugs. There is a tendency towards an increase in the number of drug addicts.

* On a show of hands the vote was, Yes, 3; No, 51. (See p. 272.)

This bill places the distribution of these drugs in the hands of those licensed by the State to practice medicine and surgery. There is great danger in the administration of narcotic drugs at any time. This law places the full responsibility upon those thoroughly trained. The bill will increase the safety of the public, decrease the number of drug addicts, and diminish the number of suicides.

The referendum should be defeated.

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TRANSACTIONS

OF THE

COMMONWEALTH CLUB

OF CALIFORNIA

VOL. XV OCTOBER, 1920 No. 6

Problem of the Prisoner

The object of the Commonwealth Club shall be to investigate and discuss problems affecting the welfare of the Commonwealth, and to aid in their solution.—Constitution, Article II.

The Commonwealth Club shall maintain itself in an impartial position as an open forum for the discussion of disputed questions.—By-Laws, Section 10.

SAN FRANCISCO, CALIFORNIA

1920

VOL. XV OCTOBER, 1920 No. 6

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TRANSACTIONS

OF THE

COMMONWEALTH CLUB

OF CALIFORNIA

VOL. XV SAN FRANCISCO, OCTOBER, 1920 No. 6

PROBLEM OF THE PRISONER

The difficulties raised by the return of convicts to freedom has occupied the attention of the Club's Section on Delinquency from time to time and was made the subject for report at the Club meeting of September, 1920.

Prisoners convicted of crime are released in one of three ways—on probation without confinement in the state prison, on parole after serving part of their sentence, or by the expiration of the term fixed by law. When released they go back to the body of the people, and the question whether they are to endanger the public safety and commit further crimes depends on the opportunities given them to make an honest living, and their disposition toward these opportunities.

The Section postponed reports on the system of probation to another meeting to be held in the coming year, and confined itself to the problem of the prisoner who enters the state prison. The Section was composed as follows:—

William S. Wollner, Chairman; Frederick E. Allen, John C. Altman, Alden Ames, Frank Angell, J. C. Astredo, T. J. Bacigalupi, H. Alexander Brown, L. D. Compton, S. H. Dadisman, Earle Derby, Melville W. Erskine, Otto G. Freyermuth, Morton R. Gibbons, A. Gottlieb, A. W. Hoisholt, Daniel Hone, James A. Johnston, A. C. Keane, A. M. Kidd, Arnold C. Lackenbach, I. Irving Lipsitch, H. J. Maginnity, James M. Malloch, Duncan Matheson, E. P. Meinecke, Martin A. Meyer, Milton Newmark, W. H. Nicholl, B. P. Oliver, Arthur A. O'Neill, R. E. Queen, Henry Raphael, A. B. Richards, J. W. Robertson, Albert Schneider, C. S. Tripler, Delger Trowbridge, Geo. C. Turner, August Vollmer, Curtis D. Wilbur, C. M. Wollenberg, Harold W. Wright.

It arranged its reports as follows to carry the prisoner from his arrest to his release and establishment once more in civil life:

Duncan Matheson, Chief of Detectives of the San Francisco Police Department, took up the prisoner at his arrest and carried him to the gates of the state prison, with discussion of "The Practical Application of the Psychopathic Method of Grading Prisoners."

James A. Johnston, Warden of San Quentin prison, took the prisoner from his entrance to discharge with a report on the "Treatment and Training of the Prisoner."

Edward H. Whyte, State Parole Officer, dealt with those released under parole and the method of assisting them to self support.

Charles Brandon Booth, of the Volunteers of America, presented the subject of "Assistance Given Prisoners Who Have Served Their Terms."

The reports were discussed by the following members and guests: F. H. Dam, George E. Crothers, Edward F. Adams, Albert E. Boynton, Harold W. Wright, James A. Johnston, August Vollmer, Charles Brandon Booth, Duncan Matheson, J. M. Kepner.

The meeting requested the Board of Governors to promote the establishment of psychopathic examination of those under arrest.

Club Meeting of September 16, 1920

The Club held its regular meeting at the Hotel St. Francis, San Francisco, on Thursday, September 16, 1920. At the conclusion of the dinner and business meeting President C. E. Grunsky introduced the subject for discussion as follows:

Remarks by President Grunsky

THE PRESIDENT: We are to give consideration this evening to the "Problem of the Prisoner; Can He Be Returned to Society?" The program has been arranged to cover the handling of those convicted of crime, beginning with their arrest, through their prison service, and their handling on release.

I will ask Mr. William S. Wollner, Chairman of the Section on Delinquency, to make an introductory statement. (Applause.)

Statement by Chairman Wollner

MR. WOLLNER: The Section on Delinquency of the Commonwealth Club of California presents to you tonight a program dealing with the problem of the prisoner. There can be no question as to the need for the solution of this problem nor of its existence from almost the beginning of time. Up to this point there is general agreement, but when we come to the constructive phase of how the problem is to be solved, we find that almost every one who has given serious thought to the matter has a different solution to offer.

Going back further than the problem of the prisoner we have the problem of crime, and the solution of this problem brings forth even a greater divergency of opinion than does the problem of the care of the prisoner. As it is supposed to be within the scope of the Section on Delinquency to advise the Club as to how crime may be minimized as well as to proper methods of caring for criminals, you will see that we have had no small task confronting us.

The Section includes in its membership representatives of every school of thought dealing with crime and criminals, and includes as well as men whose duty it is to meet this problem practically, those who are endeavoring to solve it theoretically and scientifically. The different schools of thought represented in the membership of the Section rarely agree as to the proper means of minimizing crime or caring for criminals, and for that reason your Board of Governors deemed it wise to

appoint as the chairman of the Section one possessed of neither facts nor fancies in connection with the topic assigned to it, and whose duty it has been as chairman to merely direct the activities of the Section so as to produce for the information of the Club and the ultimate benefit of society all the good that each of these schools has to present. This statement is made so that you may understand that the chairman of the Section is not attempting and will not attempt to present to you any part of the problem of the evening or of its solution.

Since it became a factor in the history of crime in this country, the Section has been investigating the effect of prohibition on crime, and it was planned to have our first report to the Club deal with this topic. The different schools of thought represented in our Section are as much at variance in their beliefs of the effect of prohibition on crime as they are with reference to other matters and it has seemed advisable to lay the consideration of this matter over until the lapse of time has produced additional data for our guidance.

The reason why we are presenting the topic, "Problem of the Prisoner. Can He Be Returned to Society?" tonight is that there exists a suspicion that the coming session of our state Legislature may bring with it the presentation of plans for changed methods in caring for the state's wards. Another reason why the presentation of the topic is timely is because of the availability tonight of certain gentlemen whose views we are extremely anxious to have presented to you.

As indicated in the program you have received, we shall endeavor to present to you the history of the prisoner from the moment he is arrested until and after he leaves the prison gates. It is to be especially noted that while we have followed the prisoner's footsteps after he has served his term, to observe the aids that are extended to him, no attempt has been made to pick up the threads of his life until he has actually been placed under arrest. In other words, we have not attempted to go into the consideration of the causes of crime or why men are criminals.

So that you may not think we have overlooked a very important phase of the evening's topic, I wish to state that we have deliberately omitted from our program reference to probation. It is the sincere belief of at least part of the Section on Delinquency that probation has no place in the discussion of the evening, but should be considered entirely as a matter by itself. Out of respect to this belief, the Section on Delinquency has asked the Board of Governors of the Club to permit us to present to the Club's February meeting the Section's report on

probation which I am certain will prove just as interesting and instructive as we hope tonight's program will be.

Knowing that you are just as anxious to hear the addresses of the evening, as I am, I will take up no more of your time except to thank you on behalf of the Section on Delinquency for the privilege of presenting this program to you this evening. (Applause.)

THE PRESIDENT: In accordance with the program as arranged, I will now call upon Captain Duncan Matheson of the San Francisco Police Department, to talk to us on the practical application of psychopathic methods of grading prisoners.

Psychopathic Grading of Prisoners

CAPTAIN MATHESON: The psychopathic treatment of prisoners is almost as old as the treatment of prisoners itself. We have in the city and county of San Francisco a very concrete example of it. Take, for instance, our insane prisoners. We call them patients, but they are prisoners nevertheless. The very minute a patient of that kind comes into our hands he is immediately sent to the detention hospital. While there he is under the observation of a trained corps of physicians who make a complete investigation as to his mental condition—the history of the family as far as it is possible to obtain that history, going back several generations if necessary; all the data in that respect is compiled and very carefully compiled, because it is very essential to a proper determination of the case. His personal history, environment, social relation, conduct, occupation, and all that kind of thing is inquired into. By the time their inquiry is complete, there has been a complaint put on file, just the same as any other criminal case. The patient, or the defendant, rather, has a hearing before one of our Superior Judges sitting in that kind of cases. He is entitled to a trial by jury just the same as any other defendant, and he can waive a jury, which a criminal in a felony case cannot do. The testimony of those doctors is taken and usually their findings are correct, and if they determine that it is a custodial case, they report that to the court. It is acted upon by the jury if necessary or by the court, if the court is sitting as the court, and the proper decision is made in the case. If it is a case that requires definite, custodial care, he is sent to a certain institution; if it is a case of minor importance, he is sent to another institution; if it is a case that responds to treatment, he is sent to another institution. So you see you have to have several institutions. We have amongst those cases people who are violent; we have people who have hallucinations, and we have people who wish to destroy themselves. So you can very readily see that it is absolutely necessary to have more than one institution to take care of those particular cases. You never see the verdict questioned. There is no person running to the court using influence to prevent these people going where they belong. In other words, the matter is entirely in the hands of the court, and it is up to the court to make the proper disposition.

Take our health cases, people who are infected with disease that is dangerous to the public, that is liable to become infectious, contaminate the community. These people are taken care of just the same as the prisoner is. If it is a clear case, the matter is brought to the attention

of the authorities and there is a commitment made. If it is a case of leprosy the person is immediately taken into custody and sent to the pest house. No person interferes.

If it is a good thing along those lines why shouldn't that principle be applied to our criminals? The people who come within the jurisdiction of the police and are charged with specific offenses should go through that sort of a treatment.

I believe that any prisoner after conviction and before judgment is imposed should be examined as to his mental condition, physical condition, what his environments have been, and what his probabilities are. That being true, the court would be then in a position to handle that case and handle it correctly.

It is true, I think without any question of doubt whatever, that if we went over to our state prison at San Quentin we would find among the inmates quite a number of patients that are definitely insane. Those patients do not belong there. They should be in the state hospital, where they might if possible respond to treatment. You would also find there people of a pervert nature. They do not belong there. They should be in an institution by themselves. You would find there people who no doubt should be out on parole. And I believe if they were properly examined after conviction they would not find their way in there. I do not think there is any question in the world about it. And I believe every person on parole that makes good, if they were properly examined, would never reach our institutions.

There is another class there, the class of the habitual criminal; that is, men who have definite criminal minds. They do not think of anything else; they will not attempt to do anything else, and the very minute they are discharged they are back at their old tricks, they fall into the hands of the police, are convicted and are sent to the Folsom penitentiary. That being true, they are custodial cases, and I believe it is the part of the State to provide proper institutions for them. Punishment means nothing to them.

Punishment simply means this, that society is protected against a particular individual as to his activities for the length of time of his incarceration. It does not mean anything else. Society has a right to protect itself against the individual when he preys on society. That is why we have laws. That is why we have institutions. That is why we have courts and police departments and prisons. It is our bounden duty to give society protection, and anything that interferes with that protection should not be countenanced at all.

What do we find under our present system? We find that human life is the cheapest thing on the market today. We have had right in the city and county of San Francisco within the present year three boys under the age of fifteen years on trial for murder. That is a very regrettable thing. Just think of it—right in this community, three boys, born in the city and county of San Francisco, on trial for murder. We have had people shoot down others indiscriminately on the street, come into court, put up a plea of insanity, temporary insanity at that, and the first thing you know they walk out free. Jurors accept that plea and they appear to be quite willing to accept it. If they were insane at the time they committed the act I do not think they would recover fifteen minutes afterwards and be perfectly sane. That plea is used and they get by with it. That sort of thing should be stopped. If a person is insane he should be put in the proper institution where he could not repeat this offense. No question about that.

We had one case in particular of medical testimony and the case only went this far, that one of the experts who testified was a tooth-puller and the other expert was a porous-plaster artist. That was the medical testimony. But this was the difficulty we were under: The very minute we put medical testimony on the stand the attorney for the defense would only ask one question, and that question would be this: "Do you believe in temporary insanity?" The expert would come back and say, "Yes," and the attorney would say, "That is all, Doctor," and stop right there—just simply to get that issue before the jury.

If we had a proper psychopathic examinatiin of that defendant, it could be very definitely determined whether a person was insane, and that would overcome that particular difficulty. Unfortunately—and I say this with a great deal of regret—in a great many cases a money consideration is often taken advantage of where a death is involved, particularly in cases of accidents. Now, I claim that that is a very serious matter. You cannot put a value on human life, and the very minute friends or relatives go to court and are willing to compromise on the death of a human being, where criminal negligence is involved, it is committing a very serious and grave error against society.

In all our experience throughout the country, not only in San Francisco, but elsewhere, we find that human life is getting to be of less value every day, and it is the duty of police departments and everybody concerned in the administration of justice to see that that life is protected. We can simply ask ourselves the question, How are we going to reduce the taking of human life in the United States? We

have in England a murder rate of nine to one million inhabitants; we have in Canada thirteen; we have in the City of Chicago 112, and in the United States as a whole 83—a marvellous difference.

I believe that the certainty of punishment rather than the severity has a great deal to do with that. The very minute a man can go out and commit murder, come before the court and be convicted, he will take an appeal. The lawyers will take advantage of every technicality. It takes a long time to determine those matters in court, and while the time slips by the matter is entirely forgotten or overlooked, and when the time comes to impose judgment the public loses interest in the case, no longer thinks about it, and the matter is practically a dead issue.

Now, that kind of thing should not exist. Our Supreme Court and our Court of Appeal have been active very properly in this kind of case, and usually now we have a judgment handed down, either confirmed or reversed, within a period of eight or nine months at the most—a very decided improvement on what we had five and six years ago.

Another thing that seems rather peculiar to a police officer, and I think it will appeal peculiarly to you, is, that if a man happens to go out and steal the motormeter off a car or steals an adornment or a laprobe, he is sure to get six months in jail, whereas if a thief goes out and steals an entire car, he gets off. So my advice to a person going out is to steal an automobile and not a motormeter. We arrested 507 who stole automobiles and out of those we were able to make only twenty custodial cases, and out of those arrested for stealing from automobiles, we got forty per cent convictions. It is a very pressing question to find out why there is the difference. There must be a difference somewhere. I will leave that for you to answer. The very minute an automobile is stolen, and they are usually stolen by young men, there is always somebody ready and willing to go to the front for them, and, usually, they get them out on probation or something of that kind; the prosecution is dropped; the matter is treated with a great deal of leniency, sometimes with levity.

I just wish to call your attention to a particular case. We had a young man here in San Francisco, a young man of perverted mind, and he made it his business to steal automobiles. If the owner happened to be near, he would simply take the automobile at the point of a gun and get away with it. We arrested, convicted, and sent him to San Quentin. He was released—pardoned, rather—came out, went right back at the same old game, and he was caught in the same old way. He pleaded guilty. A great many people who were interested in the case

came to see me about it. I would not do anything in the matter because it was a custodial case; I knew perfectly well the young man would not make good, and if he were put under a psychopathic investigation by a competent board it would be determined to be a custodial case without any doubt whatever. He was released, went down to Southern California, stole another automobile, got away from the officers, came up to Fresno, and stole another, and he is in custody. The very minute a case of that kind develops it should be taken care of in a State institution.

Take our homicide cases. We had a man in custody charged with a double murder and he was convicted. He killed his wife and daughter-in-law. It was rather a peculiar case. The man had never been in trouble before so far as we know, a man about middle age; apparently came of a good family without any previous history of wrongdoing. The fact developed that between the ages of seven and ten he showed an epileptic tendency. Now, whether that stopped there or not, we do not know. He simply says that it did. At the time he committed the offense he said he had no recollection whatever of doing the shooting. He did, however, remember the incident that occurred immediately prior and those that occurred immediately after. He said that he was drinking a good deal. He said that during the first few years of his life after he had reached manhood he was in the habit of drinking about a quart of whiskey a day. He was married twice. Before he married the second time he discontinued the use of alcoholic liquor. Then he had some domestic trouble and he stated that he commenced to drink again. During one of these drinking spells he committed the murder. Now, the question is, was this man responsible?

Every person familiar with the history of crime knows that about ten per cent of all epileptics are definitely criminal; and they commit the most horrible crimes. I just want to call your attention to one particular case; that is the case of a woman in San Francisco, the wife of a street-car conductor. She murdered an acquaintance of hers, dismembered the body, put the body under a cot, slept on the cot, and was found there at the time of her arrest—one of the most unnatural things in the world for a person to do. The examination developed that she was epileptic. She was acquitted for that particular offense, and she died about three years later in an epileptic fit. That shows to you very definitely what an epileptic can do. She claimed that she had no remembrance of dismembering that body, and I firmly believe she did not. In the case of that kind society demanded that she should be confined

in some institution for the protection of the public at large. Just so it is in this Williams case: If this man was an epileptic, if he was turned loose on the public, he would repeat. The very moment a similar situation would arise, that would occur again. To my mind it is absolutely necessary that a person of that kind should be in an institution. This man could support himself and others, but I believe that for the safety of the public he should be put away somewhere.

That is the problem that appeals to a police department. Now, I believe that we are fundamentally wrong, and I believe that we will never cut down our murder rate until such time as we are able to have in the State of California a psychopathic board to handle those cases and handle them intelligently, and when a board of that kind reports on a case the courts should act accordingly. The very minute that we let sympathy and sentiment and that kind of thing creep into the administration of our law we are getting in wrong. And it is a remarkable fact that we have had a general increase of crime the very minute we begin this sympathetic criminology, and until such time as that is stopped it will increase.

And the only way you can stop it is by going about it the way you go at the insane cases. I do not believe that any layman, juror or any person, police officer or anybody, should pass on a case of that kind. There are men who are trained in that kind of thing. They have made it their life's business; it is a study with them; and to my mind their judgment is vastly superior to that of any other official, and I hope the time will come in the State of California when we will have a psychopathic institution for taking care of that kind of cases. Once in a great while a mistake will occur, but to my mind mistakes will occur very seldom. Very few cases are returned from our state hospitals for the insane, and a great many people are restored to society from those institutions by proper treatment. It is a well known fact that many people who go there in the course of time return to society, and if they return to the proper environment they will not repeat.

I want to call attention to another fact, and it should not be overlooked, and that is that environment and heredity have a great deal to do with criminology. I know one Sunday school in San Francisco that has three hundred pupils in average attendance and there has never been a pupil from that school that went into a juvenile court or ever was held by the police. I think that is true not only of that Sunday school but every Sunday school in San Francisco. On the other hand you see the waifs in San Francisco who are allowed to roam the streets

at any time of day or night without any restraint, and as a rule those boys will be in the hands of the police sooner or later. I do not believe that any boy should be allowed on the streets after 9 o'clock.

Now, the time is up, and I have spoken to the minute. I thank you for your attention. (Applause.)

THE PRESIDENT: The next phase of the problem, "The Treatment and Training of the Prisoner," will be discussed by Warden James A. Johnston of the San Quentin Prison. (Applause.)

Treatment and Training of the Prisoner

MR. JOHNSTON: If the topic is the "Problem of the Prisoner and Can He Be Returned to Society," and my part is to answer as to the treatment and training of the prisoner while he is in the States Prison, I want to say in the beginning that I believe that many who commit crime, are convicted and sent to the prison may be safely returned to society.

The policy that is in force in the prisons in this State today is one of strict discipline and training, but without any harshness or cruelty. The prison directors and the wardens believe that it is a great mistake to take men, hate-filled and mentally warped men, into the prison, keep them merely for the length of their terms,, and send them out again into society more vindictive and more revengeful and more predatory and more anti-social than they were when they went to the prison. We believe that it is our bounden duty to take the man from society and so treat him and so train him that he may be returned to society better, better physically, mentally and, if possible, morally. And so we begin with the study of the individual the very day of his entrance.

We begin with physical examination, and the results of the physical examinations would be astonishing to you, I am sure, if you had the same opportunity for observing them that we have. About sixty per cent of all the men that we receive in the prison have or have had venereal diseases, and the blood tests show ten per cent of them definitely, positively, syphilitic. About four per cent have used opium, morphine, cocaine and other narcotics to an extent that warrant their being classed, in their own vernacular, as "fiends." About two and one-half per cent, perhaps three per cent, are incipient tuberculous. A great many of them show in many, many ways the results of irregular and irresolute and intemperate living. Many of them are in need of medical treatment the very day that they reach the prison. Physical defects are noted and corrected by operation, or medical treatment, as the case may require.

After examinations by the physician, the oculist and the dentist. followed by treatment, they are then sent to the educational director; and the educational director makes an examination quite as thorough as that made by the physician and the oculist in an effort to get the man's mental measure and to get at his moral status, find out the cause of

crime or the cause of crime in the particular instance under examination if possible. These examinations show many men in need of primary training, some unable to read, some unable to write, some have had a little schooling, some are unable to speak our language. Following the examinations they are enrolled for courses.

Schools in the Prison

We have a population of 1886 at the prison tonight, and more than half of the population, slightly over a thousand, are getting an education in one form or another. Several hundred attend night school. All instruction is given by using the California state series text books, and some texts especially written for us, and some regular texts modified to suit our particular needs. In addition to the night school work we have several hundred men enrolled for correspondence courses, using the library and school room for the basis of operation, the men doing a full day's work and getting their lessons at night. The lessons are distributed and the men receive them in their cells; returning them to the school for review, correction and marking.,

Another class of men, who have had some educational advantages in youth, are encouraged to continue the pursuit of knowledge, and we have an arrangement with the University of California so that these men may take up correspondence courses through the extension division of the university. We have about 100—to be exact, we have 108—taking the academic courses and 317 taking the agricultural courses through the extension division of the university.

After the physical examination, the examinations by the educational director, if there is no particular reason why the men may not go to work, they are sent to the captain and disciplinarian, who, after consultation with the shop and factory superintendents, and considering all of the factors, such as prisoner's age, his knowledge of trades, if any, previous occupations, physical condition, term to be served, and the institution's labor requirements, assignment is made to mill, shop, road, quarry, factory or farm. The largest number get immediate assignment to the jute mill, and that is because that particular mill more readily than other department can absorb the unskilled labor. However, it is not a positive rule to send all men there as it was once upon a time. Men are sometimes, at their time of entrance, assigned to other factories or departments of the institution for which they have particular training or aptitude. We have about seven hundred men working in the jute

mill. We are making about 15,000 bags a day. The operation of the mill is of some advantage to the farmers of the State. The bags are sold upon affidavit that they are for the use of the applicant and not to be resold.

Labor for the Prisoners

We recognize the value of the jute mill in absorbing labor, and we also recognize the disadvantage in this, that many men go to the mill and learn to make bags very skillfully, but they cannot get a job at that trade after leaving prison unless they go to another prison. And so in 1911 the Legislature passed what is known as the "state use law," giving us the opportunity to manufacture at the prison such articles as may be used at other state institutions. Under this law we are manufacturing furniture, clothing, shoes, tinware and flags. We sell the furniture to the state institutions, offices, boards and commissions, the hospitals for the insane, the home for the feeble-minded, the normal schools, the state capitol, and various departments of the state government.

We sell flags to public buildings, county and school districts; we sell the clothing and shoes to the state hospitals for the insane and the home for the feeble-minded. The state-use plan has been of great advantage to the prison authorities in enabling us, first, to find work for the men and affording opportunity for teaching them habits of industry, teaching them a trade. They are engaged in making useful things in a useful way, as they are made outside. The men who work at such occupations in prison are able to find work at similar occupations on the outside.

We have all the things that any community of the same size requires. Therefore, there is work for the building mechanics, the laborers, cement workers, electricians, carpenters, plumbers, tinners, roofers, painters, printers, foundrymen, moulders, machinists and other mechanics. All of the work in building and repairing and improving is, of course, done by the prisoners. And in the way of outdoor labor, we are operating a small farm of vegetable gardens, dairy, hog ranch and poultry yard. We have about two hundred and fifty men working outside of the walls every day. As a development of this trusty plan of men working outside of the grounds, we have been, since 1915, working men on the highways, building roads in the mountain counties, under plans of the Highway Commission, the work of the prisoners being supervised by guards from the prison who act as foremen. Since 1915 we have tried more than one thousand men at that kind of work. Now,

mark you, those men have been in camp from two hundred to two hundred and fifty miles away from the prison; no wall, no enclosure; no barbed wire; no stockade; no sign of gatling-gun government whatever.

Benefit of the Road Work

On the average about three guards act as foremen, taking charge on an average of about one hundred men, although we have had as high as two hundred and fifty men in camp and as low as seventy-five. For the five years and more that we have been building roads on the honor plan, with more than one thousand men at that work, the net loss by escape has been just thirteen men.

Those of us who advocated that system for the prisoners, with the hope that it would give us not only the actual work for them, but a kind of work that would teach them habits of industry, that would be useful to the state, that would be a fair test of their trustworthiness, believed that we would get a good response, but the result actually achieved is far beyond our fondest hopes.

I believe and, out of abundance of experience, I know that trustworthiness grows with trust; that the men who have been tried at that sort of labor have performed a useful service for the State while expiating the crimes for which they were sentenced, and that in larger percentage than any other group of men who have been convicted of crime they have made good following release.

Although we have not had a long enough experience with them after final release to be able to speak authoritatively as to figures, we have had opportunity to compare the result of paroling men from that sort of work with that of paroling men directly from the prison, and it is greatly to the advantage of the men who have had that sort of work; because the reactions following release have not been as violent as experienced by those coming directly from prison. The men who have been given liberty gradually, step by step, as trusties outside the wall, then to road work on the honor plan, followed by parole and then complete freedom, have made good in high decree.

Since 1917 we have been operating under two laws that were passed at the session of the Legislature in that year: One, a policy of segregating prisoners; the other the indeterminate sentence law.

Segregation of Prisoners

Prior to July, 1917, the judges of the State sent some first-termers to San Quentin and some to Folsom; some second and third and fourth

termers were received at San Quentin and some at Folsom. Frequently it was the whim of the prisoner that governed. Instead of the prisons supplementing each other they were actually duplicating each other, and with not very satisfactory results.

Since the passage of that act all prisoners or all men convicted of crime are sentenced to San Quentin. There selection is made, and all of those with known and established criminal records are sent to the prison at Folsom. At first we did not indulge in a wholesale transfer of the first-termers from Folsom to San Quentin, or the second, third or fourth termers from San Quentin to Folsom, because that would have been very expensive and somewhat confusing. We have allowed, save and except for particular reasons, those who have been in Folsom to work their terms out, and those who were in San Quentin to work their terms out there. But all of the new commitments have been sent to San Quentin and there segregated.

It is quite possible that in particular instances the repeater may not be worse than the first termer. It is quite likely that in some cases the first termer is potentially the habitual criminal. But taking it by and large that sort of segregation is wise and advisable, because experience has shown that under the congregate system with all classes of prisoners, all efforts made to effect a reformation of the first-termers have been offset and neutralized by the influence of the habitual criminal. I believe in the course of time we are going to get a better result by the sort of segregation that is now being made.

The Indeterminate Sentence

The other law passed in 1917, the indeterminate sentence law, is working well. I have no hesitation in saying that it is a success. There is no doubt whatever but that many, many judges, practically all the judges, exercised good judgment in their commitments under the old law insofar as they had the information on which to base a sound judgment. I do not contend for a moment that the board of Prison Directors are capable of better judgment than the judges. But I say it is a fact that the board of Prison Directors have information and have facilities for securing information and the time for digesting the information that enables them to render a more consistent and, generally speaking, more satisfactory judgment than could be otherwise rendered.

Many are under the impression that the indeterminate sentence law has a tendency to cut down the terms of the prisoners and result in an unnecessary and ill-advised and unwise leniency towards the

prisoner. Experience has shown that that is not so. The average terms have on the contrary increased. And they have increased not because of any desire on the part of the prison authorities to exercise a harshness in judgment, but because of the facilities for getting information upon which to base the judgment regarding the term to be served by these men, they have lengthened very materially the terms of the old offenders, of the habitual criminals, whether their previous terms were served in this State or elsewhere. So that those who have been in crime frequently, those who have served terms in eastern states, came to the coast, pursued crime as a business, are getting longer terms. The longer the term for that sort of prisoner the less crime, because you lessen the time that he will be outside where he may prey upon the public.

By removing him and his influence from the more or less accidental prisoner—perhaps that is not a word that accurately describes just the kind of man that I have in mind, but it may aid to distinguish him from one that is habitual—the occasional offender or the really first offender, the chance for his reformation has been improved.

Policy of the Prison

I do not want you to get the notion from anything that I have said or anything that I might say that we are trying to make things easy for the prisoners of San Quentin, because we are not. But we are earnestly endeavoring to make things better for them. We are trying to supplant sickness with health, ignorance with knowledge, indolence with industry, and despair with hope. We feel that unless conscientious and intelligent effort is made to better the man while he is in prison, his return to the community is only a menace to the society that prisons are presumed to protect.

We believe that it is our bounden duty to inculcate in him a respect for the law, to wean him from crime, to give him habits of industry, to make it possible for him to be self-supporting, to give him new ideas and new ideals regarding his social obligations and responsibility to the rest of his fellows. We are trying to impress upon him that he is a unit in society and it is incumbent upon him, as it is upon all of us, each to the extent of his capacity, to remedy whatever social or economic faults and ills there may be, but incumbent upon him to do the best that he can as well as it is upon the rest of us.

We are trying to teach him that he is responsible for the support of those dependent upon him; that he owes it to himself, his family, his

fellows and society generally that he be self-supporting; that being self-supporting he is more likely to be self-respecting. When he respects himself he will respect others and the rights of others—the rights of life and person and property, and with that change in him life will become more safe and property more secure. We are trying to teach him these things by incentive, encouragement and example.

And we believe that when the offender against the law learns these lessons and resolves to do right, the hand of the State, laid so heavily upon him in his misconduct, will be exerted just as strongly in his behalf in any real and true effort to reform.

Employment on Release

Just as we make the effort to find out what is the trouble with the man when he reaches the prison, we are making an effort to get him out of the prison in the right way. We are conducting at the San Quentin Prison an employment agency. Men are examined when they come in and they are examined before they leave. Several months prior to the expiration of their sentences, if their full terms are served, and before they are released on parole efforts are made to secure employment for them. They are interviewed; their history is taken; their industrial records in the prison are searched; communications are had with employers in various lines of industry; and frequently the man leaves the prison to go to a job. And while there are a lot of things that are very, very important in weaning a man from crime, I do not know of any one single thing that I would rather place my hope of his staying out of prison on, if I had but one to place it on, than getting a man a job when he leaves the prison.

We are able, I am happy to say, to get more jobs today than we could a number of years ago. It is not easy by any means, but it is getting easier than it used to be. Many employers are taking a broad and a liberal view of the question, and are offering employment and encouragement to men who have served terms in prison. The result of this is that insofar as we can be sure of any prison statistics at all—and I do not bank upon them too much, because there are so many unknown and so many unascertainable things in connection with the life of the prisoner before and after his term, as to make it necessary to receive prison statistics with the utmost caution; but insofar as we can get figures at all—the result of this sort of treatment and training in prison is having the effect of decreasing the number of repeaters in proportion to the population in prison. And it seems to me that if we can

continue along that line, that is all that can be reasonably expected of prison management. And if health building, trade teaching, mental and moral training, employment agencies and disciplinary measures coupled with a liberal yet cautious use of the parole system operates to decrease the number of repeaters, I may say in this connection that we are reasonably sure of the figures of relativity of first termers to the repeaters, because each passing day increases the source of supply of repeaters and each passing day increases the facilities for determining the identification of men who have previously served terms in prison. A decade ago, yes, six, five, four years ago many men who had served previous terms in prison were able to get by as first termers. Today that is extremely difficult and getting to be more so; so that it is more probable that our figures as to first-termers and repeaters is today more nearly accurate than it was five, ten, fifteen or twenty years ago. And if these things will decrease the number of repeaters in proportion to the entire prison population, isn't it likely, isn't it probable that similar measures applied earlier in life will decrease the number of first-termers?

The Right Thing at the Wrong Time

Now, I believe that physical examinations, psychological examinations, educational examinations, follow-up treatments, and trade-training in prisons, is right. But when we admit that we must also admit that we are doing the right thing at the wrong time.

We are going to continue and develop this corrective work in the prisons. But those having to do with the prison management would be pleased indeed if the sort of examinations referred to by Captain Matheson were made before the man was sent to the prison; and we would be better pleased and would consider it a real contribution to the solving of the entire crime question, if such examinations were made before the commission of crime.

Preventive Measures

I think we ought to give more attention to preventive measures, to physical examinations in the schools, to education that fits for citizenship, vocational training, character building, serious attention to the question of unemployment, strict regulation and control of the sale of firearms, war on habits-forming drugs, and recognition of the fact that that criminal tendencies usually assert themselves early in life and

should be early checked. But while we are waiting for the scientists to get the cure-all for crime and for criminals, let us give some common-sense attention to the question in the home, in the schools, and in the church.

We have 1886 prisoners at San Quentin tonight. More than half of them are under thirty years of age and about one-fourth of them are under twenty-five years of age; I am sorry to say it, there are quite a number of them under twenty-one years of age. Now, what do these figures mean? These figures simply mean that youth is the time of lawlessness; that criminal tendencies assert themselves early in life, and that the crime problem in its very essence is a boy problem. Do not let us wait till they reach the prison till we begin our psychological examinations. Let us start in the schools; let us do it early. Because no matter how the prisons are conducted, what sort of a board of prison directors or what kind of a warden or what plan or scheme of management you have, if crime and criminals increase, then your prison is nothing more nor less than a monument to neglected youth.

Let us give attention to the youth. Let us take seriously the saying of Solomon: "Train up the child in the way he should go and when he is old he will not depart from it." (Applause).

THE PRESIDENT: We will now hear from the State Parole Officer, Ed. H. Whyte.

Assisting Paroled Prisoners

MR. WHYTE: I have listened attentively to the speakers who preceded me and I tried to follow them as I have in the past ten years, in view of obtaining further knowledge through their experience in the handling of violations of the law. I have not as yet found any solution that would permit working to any established rule.

The critic of the parole system in the main has a marked advantage over its advocates before the public because the few paroled prisoners who revert to crime receive marked attention, and their delinquences are heralded abroad, while the many who "make good" and become law-abiding citizens of communities are, from the necessities of the situation, unknown to the public.

Were the state board of Prison Directors permitted to publish the long list of paroled men who make good, and have taken their places with credit among the law-abiding citizens of California, and to give their names, addresses, occupation, business, social and personal status, the people of the State would be amazed at the fine showing, and proud of the result.

The work of my office starts with what information I have previously obtained of the prisoner, at the meeting of the board of Prison Directors, which meeting is held at Folsom and San Quentin prisons once each month.

Prior to said meetings each member of the board is furnished with biographical sketch of each man that is to appear before them. The work of preparing said narration commences the day the prisoner is received at the respective prison by prison officials, every detail carefully gone into concerning his life up to the time of his arrival at prison. From then to the time he appears before the board, the prison officials have him under their observation, during which time a careful study is made; and analysis of the whole is embodied in his biography:

With that information and the man before them who is given every opportunity to answer all questions, and make a full explanation of his mistake, the board, through deliberations which I assure you are most careful, determine, in the best of their judgment what should be done in his particular case—length of time to serve on parole, conditions of his parole, what amount of his salary he must set aside for his wife

and children, restriction from going to county in which his crime was committed, if they feel it would be best for him to start in new environment.

Following meeting of board with whatever information I have gathered, I assemble all men that have received parole, carefully explain the rules governing parole as set out by the board of Prison Directors, to each man from every angle, and what will be the result should he not strictly adhere to the rules. I ascertain from each man what particular employment he followed before going to prison, then obtain for him as near as I can the particular line of employment I deem he is best fitted for. I may have to transfer him from job to job until we both are satisfied. A great many of our charges are, in brain and mind, only developed to different ages ranging from eight years old up, so you can see we have to, aside from being exact with them, temper our judgment with liberality and mercy.

When you stop to consider that eighty per cent of men released from prison on parole make good, that while it is true twenty per cent violate parole, but less than four per cent violate it by committing crime, I feel sure all will agree that our system is an unqualified success as administered by and under direction of the state board of Prison Directors.

There has been since enactment of the parole law in 1893, 6475 men released from San Quentin and Folsom Prisons.

We are often called on to lend assistance to both discharged and paroled prisoners who are the first locked up when any crime is committed. I have seen men, on account of their status, abused and terribly beaten up.

During the two years from January 1, 1916, to January 1, 1918, 242 parole violators were reported to the state board of Prison Directors.

Of this number, the records show, 127, or 52.5 per cent, violated their paroles before they had been on parole six months.

From July 1, 1918, to July 1, 1920, the records show, the men on parole from the state prisons—

Earned a total for the two years of.....	$1,576,075.80
Making an average for each year.....	788,037.90
And an average for each month.....	65,669.82

For the biennial period commencing July 1, 1919, the Legislature of this State provided an appropriation—

In the sum of	$29,500.00
From the former appropriation we had a balance of	4,600.00
Making available for biennial period	$34,100.00
The cost per capita per year at Folsom, according to the last biennial report	$257.38
While at San Quentin it was	241.95
Or an average cost for each prisoner in the State prisons of	249.66

From July 1, 1918, to July 1, 1920, 1053 prisoners were placed on parole.

If this number were kept in prison for two years at an annual average cost of $249.66, it would be a cost of $525,783.96 to the State. (Applause.)

THE PRESIDENT: Our Club is under particular obligation to Charles Brandon Booth, of the Volunteers of America, who has made it possible to be with us this evening and will talk to us on the "Assistance Given Prisoners Who Have Served Their Terms." I have great pleasure in presenting Mr. Booth.

Address by Charles Brandon Booth

MR. BOOTH: When it was my opportunity to address you some weeks—perhaps it was three months ago—I gave you a piece of advice. I said, "If you want to know the truth about the inside of the prison problem, get hold of Warden Johnston," and you went me one better and brought Captain Matheson and Edward Whyte, and I want to say that the last hour has been one of my most interesting in California, because instead of doing the talking myself, I have been able to sit contentedly back and let the other fellow do it.

Down in the office in Los Angeles one day I saw walk into the room a little woman, bright-visaged, happy-looking; one look into her face showed that there was contentment there, that there was peace of mind. Had you seen that woman a few months before you would have felt that the change in her was nothing else than a miracle—worn, tired, unkempt, the face of a woman who was struggling in an unequal battle of life. As I looked into that face with its brightness and its good cheer, you know the message it brought to me?—Matheson, Johnston, Whyte.

I spoke in the Episcopal Church here in San Francisco, a block from the Fairmont hotel, a few weeks ago, and after I finished there stepped up to me one of the largest employers of labor in the city of San Francisco. I held out my hand, and he gripped it and said, "I have something to tell you. I have taken twenty-nine men from San Quentin prison in my employ, and every one is with me and making good." As I looked into that man's face I thought of—Matheson, Johnston, Whyte.

Have you thought of the revelation of these men, who are near to this problem? It is their work and their purpose. You put them into a position of trust and to the best of their ability they are fulfilling that trust—not that they shall wreak vengeance of society, but that they shall bring to the fore the wonderful fine purpose of our justice, the redemption of manhood and womanhood, and from the day that the hands of the law descend upon the man charged with crime, until the day that he passes out of the jurisdiction of the parole officer, having passed out of the prison and out through the system of parole, from one day to the other, the whole effort and tendency and purpose is to bring to bear upon that man's life the things which shall make of him something finer and truer than he ever dreamed of being before he went into state's prison.

There is no excuse in the world for any prison institution in the United States of America failing to be a step upward in the life of any

man we send there, I care not from what walk of life he come. I talked to Warden Homer of New York and he said, "Do you know what we are trying to do? We are trying to make our prison institutions so fine in accomplishment that when they send us a man who has an education, instead of being dragged down to the level of the men about him, he shall be kept on the level in which he lived and even raised higher; and at the same time we are taking a man without education, ignorant, the man who has committed crime almost beyond description, and we are trying to raise him to that same level." Is not that a wonderful accomplishment?

My little mother, Maud Ballington Booth, stepped into states prison with a message of hope. There came to her that purpose of the prison and she saw through the ramifications of the criminal problem, and through all those multitudinous things which are tending to divert our attention from the prime purpose, and realized that after all the prison, the criminal problem, was dealing with the greatest commodity of life—the human soul and the human heart and the human purpose and the human opportunity, and that if the prison was to achieve its greatest purpose it must bring out that opportunity.

There has come much to my mind as I have listened, but I want to bring to your attention one or two points that the speakers did not touch upon. One of the points I want to bring out is this: If every prisoner in the United States today in a state prison was earning a regular union wage in a regular union shop, our income in this country from our state prisons alone would be over half a million a day, over three million a week; and there are very few prisons in the United States of America where a man through his work is able to knock out sufficient to earn that amount of income for the work, and you will find from one end of the country to the other that the prisons, instead of being run as business propositions, are being run as losing propositions.

Looking at the prisons of New York State; over a period of twenty years we have had a population which has averaged something like 4,500 men, and no man of those 4,500 men has ever been brought to the sense of any obligation for his own support.

Now, I believe firmly and I believe that those who have spoken before me will agree with me, that one of the greatest reformative influences is to make the man realize his essential responsibility to society for his own support. That is one of the things that has made the work of the discharged prisoner so difficult. When the man who is discharged is turned out the change is sudden. A man has been in the state's prison

at San Quentin or at Carson City, and from the day of his incarceration he was not connected with the essential responsibility for the support of himself in that state's prison; and he comes out into the world with the mistaken idea that society owes him support even if he himself has been behind prison walls.

You have just heard the figures that a prisoner costs you over $200. If you multiply that by 4,000 in this State you have the enormous amount that you are spending.

One of the things that we are recommending is this, and under the proper regulation of administration you will not have to change a single official in this State to do it, that the man behind prison walls be made to realize the essential responsibility for the support of himself and be given the opportunity to work that out. There are some men that cannot do it; there are some men not physically or mentally able; for those, allowance has to be made in any prison. The jurisdiction has been left in the hands of the warden, because the warden has the placing of the task. You get away from the contract system.

Then take the more serious aspect of the case—and I cannot speak too strongly on this—in the name of justice. I have come direct to you this evening from a home only a few blocks away, and this is exactly what I found in that home. I found a little woman and her mother, and I found two little children, one five and one six. The woman is not working; she is not physically able to do hard work, and she is staying home taking care of the children. The mother is supporting the family except for charity allowance. The charity allowance is $17.50 per child per month. That means that the income to the family is $17.50 for each child or $35 a month ($5 comes out in the milk supply) and $20 or approximately $20 which is the earnings of the old woman (who ought not to be working) who must work for the support of that family. That is $55 a month. In the Volunteers of America in our different children's homes we find that it is impossible to keep a child in healthy condition and watch over it and care for it properly under $34 a month, and here is an old mother and here is a younger woman, the wife of a man in San Quentin prison, and here are two little children trying to live on $55 a month gross income; $12 of it goes for rent and $5 for milk.

Is it square of you or is it square of me that we should demand that those little children should pay the price of the man's crime? We hold no brief for that man behind prison walls. Leave it to Warden Johnston. Warden Johnston is supposed to look after that man's welfare. But what about the man's wife and children? This is the same kind of

a case that they have been showing me all over California. Only the other day I received a letter from Warden Johnston and he said that "such and such a prisoner came to me in great distress," and he showed me the note of a family and the condition that woman was living in with children. She went without charity allowance with a maximum income of about $30 a month.

You ask me where your criminal population is coming from? It is coming from the circumstance of ignorance and from the circumstances of environment and from the circumstances of destitution and from the circumstances of poverty, and from the circumstances of neglect.

We are forcing into criminality hundreds and thousands of little children who commit no greater crime against us than our own little children. If today by the hand of the law you were wiped out and your income ceased, ask yourself what would become of your wife and children. There are many thousands who have no money saved. You say, "Our relatives would step in." There are many thousands whose relatives refuse or are unable to step in. What becomes of that wife and those little children? We want to link the man up in states prison close to the responsibility for his family. We want him to realize that he is still the father of those children. I asked that woman today, "When your husband comes out do you think he is going to support you?" She answered, "I don't know. He has not supported me for so long. We sort of drifted apart. I don't think he will." I doubt if the parole board of the State of California will ever parole that man until he agrees to support that wife and children. But why not let him do so now—even if he is a prisoner?

In the State of New York I was invited to attend the sitting of the parole board. There was brought in before us a very ignorant sort of a chap, rather clumsy, a man who had been sent away for quite a violent crime. He sat down. They looked into his face and in this position asked, "What salary are you going to earn?" He answered, "I am going to earn $28 a week." "You have a wife and two children, haven't you?" The man said, "Yes." "How much of your $28 a week are you going to give to your wife and two children?" The man said, "I guess I can give them $5 a week." They sent him back to his cell. As he left the room they said to him, "Remember, that the larger share of your salary is to go to your wife and children, and the small share is to go into your own pocket."

All over this country the experience of the prison officials has been the same. They realize that here is a problem beyond their control,

which they cannot alleviate and cannot touch, which should not be solved through charity, although we must solve it through charity until the better way is established.

You have to save your children of criminal population by making the criminal population realize their duty to their children; and when you do that you will shut off one of the most serious sources of criminal supply known to the United States of America today.

I cannot close without saying a word about my mother's organization and my father's. I wish I could take you to some of the homes we have established in this country. I wish I could take you up on Golden Gate avenue and let you see that great home, whose doors are open to the wife and child of any man who is in state's prison—not as a permanent home, but as a stepping place between destitution and finer things; and when we find that family in Fresno or Santa Cruz or Sacramento, wherever they are, we will lift them out of the environment of destitution, poverty and suffering, and we will place them in that home until we can find the right kind of work for the mother and can get those children into the right kind of life environment. Then we will wait until Warden Johnston turns the key, and then it is our hope that the man and the woman and children shall be linked up, and in the home the man shall realize his greatest obligation, and that his little children shall be able to look up to that reclaimed man as their loved and respected father and forget the past hidden back of the walls of the state's prison.

And as I leave you I want to say this word:

The greatest message that has ever come into my personal life in this great prison problem, is the wonderful redeemability of human nature. What can be more wonderful for Captain Matheson or Warden Johnston or Parole Officer Whyte, or a member of the Commonwealth Club, than to realize that out of their plans of life and out of their experience, their experience of service, they are reaching to the heart and soul of another, and revealing there the realization of new opportunity and of the fulfillment of the worth-while possibilities of life, life at its best and finest, the thing that makes men men, and makes the wonder of woman the wonder of womanhood. (Applause.)

Discussion by the Meeting

THE PRESIDENT: I had assured Mr. Booth that there was no time limit set upon his talk to the Club (Applause), and upon his conclusion repeated that assurance. I know that the Club would enjoy hearing further from him.

However, the matter is now open for discussion under our five-minute rule, and I am sure that those who have addressed you here this evening would be only glad indeed to respond to questions should you desire to put any remarks in the form of questions.

Remarks by F. H. Dam

MR. DAM: Mr. President, it seems to me that this evening is going for nothing unless we translate into some definite action the intelligence that these gentlemen have conveyed to us. Now, it is very fine indeed for us to sit here and be entertained by their experience, but I think that we should go further than that and that we should do something, if we agree with them, as I do, and put into being what their experience has taught them and what they have convinced us of. I certainly agree with Captain Matheson that whenever a serious crime is committed there should be a psychopathic examination. I will go further than that. I think there should be a psychological examination. I know just a little bit about those examinations, and every one who knows about them knows their value. Immediately upon the happening of a crime those examinations should be had. They should not only be had for the immediate benefit for the detection of the crime, or for what immediate disposition should be made of the case, but they should also be made for the future value and for the future benefit of the individual himself, keeping a history of his case for the guidance of those who are to have his future custody.

And therefore, in line with Captain Matheson's experience, I make a motion that it is the sense of the Commonwealth Club that legislation be enacted in a suitable and appropriate way to the end that immediately upon the happening of a crime in this State there shall be a psychopathic examination of the person charged with a crime or who is known to have committed the act, whatever the defense may be, for the guidance of those who shall have the determination of his case.

I would like to go further and make a motion in line with the suggestions of Mr. Booth, not only in line with his talk here, but of his previous talk before the Club, but one motion before the house at a time is enough.

THE PRESIDENT: Is the motion seconded?

Remarks by Hon. George E. Crothers

JUDGE CROTHERS: While the proposed examinations would have some value, I do not think that they would have as great value as an examination of the environment of the young and of the psychology of the community itself—a kind of psychopathic examination of the community, when it has, as this and other American cities have, eight times as many misdemeanors committed or misdemeanants apprehended as cities of a similar size of the leading western European countries. I think we should examine ourselves to ascertain whether or not we are neglecting something of vital importance in practical training and character building in the young.

Something has been said about education. What has been said, in the sense in which it was intended, was true, but I think that the speakers did not mean that we improve the character or citizenship of young men and young women by giving them merely fine school and college educations. That is not so. The greatest rascals we have are the educated rascals. The fault of our education is that the kind of education we are giving is not the kind that makes good public spirited citizens or supporters of our political, social or religious ideals. In our text books scarcely a word on the subjects of religion or public duty is uttered except in accordance with some very careful formula that will not encroach on some religious or political faith. We avoid the very influences which, if they could be coupled with our education, would help build character. As has been suggested by Captain Matheson, instead of having our children supplement our public school education by going to our churches or the Sunday schools, which will build a solid foundation for character, we allow the children to go without supervision or discrimination to places of amusement, which in a very large percentage of cases, teach the practices of vice and the arts of crime. We haven't taken the trouble to utilize to any substantial extent the motion pictures or any of the other modern conveniences to teach the arts of industry, to which they are equally applicable.

It has been said by a great educator that the only place that a practical education can be assured to boys in this country is in a jail or

reform school. A few years ago there were almost as many desks ready to train boys in the trades and manual arts in our reform schools and penitentiaries as there were in the public schools. We are neglecting the ordinary boys in our schools by not giving them a practical education and by failing to maintain part time instruction for working boys and girls. We are abusing them by giving them an education that leads to the university when we know that not one out of ten of them will even go through the high school. We are not giving them the preparation for entering into the trades and other vocations, nor are we assisting them after they go to work. We are not giving them the preparation that will prepare them for clerical work or business. Most of our schools do not thoroughly teach the simple elements of mathematics and of the other elementary subjects that are absolutely necessary to success in clerical or business pursuits. There is not adequate drill in the simple essentials of education, because of the crowding of the unessentials into our curricula.

What is the result? The natural result is that in this city and many other cities there are more boys going through our police courts annually than there are in attendance in our public schools.

Now, I think that if any examination should be made it should be a thorough examination. We should see whether or not the ideals of the community and the environment of our children are right. Our community must take life and its duties to the young more seriously.

Any one who has had the experiences I have had for more than seven years in passing upon hundreds of divorce cases must see that the parties to such cases are without serious purpose in life. One can see that at a glance from their manner, from their dress. You can ascertain by asking almost any one of them that they have not made any serious attempt to get in touch with those institutions which help to upbuild good citizens and help to unite people who have a serious purpose in life. And if we can say that of the parents, what must we expect of their children, because they are the ones who are supposed to develop ideals in the children. Ideals cannot be grown in a day. They require years, and that growth must be stimulated by the home, by the church, by the school, and by the places of amusement; and if we allow the children to have their minds poisoned instead of helped, what can we expect but the continuance of the procession of thirty or forty thousand people through our police courts every year? I think that instead of examining these poor little wretches who are accused of committing misdemeanors we should examine our environment and ourselves.

Indeed, it will probably not be disputed that where the environment of children tends to establish vice and crime or idleness and incompetence as the normal or ordinary condition of those they meet daily, the children who are most normal will take on the ideals, habits and character suggested by the environment, however evil they may be. To them and to many of us the reformer is regarded as the abnormal—as the freak who is to be isolated. (Applause.)

Remarks by Edward F. Adams

MR. ADAMS: I do not want to discuss the question. I am in sympathy with the purpose sought to be accomplished in this motion. I have been as much as I could a student of these things for a good while, and I am—we are all of us more or less under the influence of what we have heard tonight in addition to whatever else we had in our minds, in our experience. We may form ideals here, but when we come upon the spur of the moment to ask actual legislation, we have to stop to consider whether or not we have the machinery and the ability and the possibility of putting into execution that which in our souls we all wish could be accomplished.

We have a great many people arrested for crime in the course of a year. I do not know whether in Yreka or in San Bernardino or in Santa Cruz there are persons competent to make such an examination as is proposed here. It may be that there are. I suppose there are not. We could have by detailing a sufficient number of them probably. Every criminal arrested means a good many, and my only objection is not to the purpose or spirit of the motion, but to the wisdom of a little more deliberation than it is possible to give here in a few moments. This meeting cannot bind the Club or even the Governors should it propose so serious a matter as the literal meaning of that motion would get us into. It is possible that it should be referred to the Governors for consideration, and as one of the Governors I think it should be considered.

THE PRESIDENT: I want to say that the Chair has heard no second to the motion, and the question that is under discussion is the general topic of the evening. I would be very glad to have the topic further discussed from the floor. If not, I will ask those who have been kind enough to present the various phases of the subject to us this evening to add to their remarks, and I will ask Warden Johnston if he has anything further that he would wish to say.

Remarks by James A. Johnston

MR. JOHNSTON: I would be delighted to answer any questions that should be asked. I think perhaps it would be more informing if any member has any question to ask.

Remarks by Albert E. Boynton

MR. BOYNTON: I find that about one out of a hundred are familiar with what Warden Johnston referred to as the indeterminate sentence. I believe that he might explain that if he would in two or three minutes' time, so that the members might thoroughly understand the working of the law, because I know that in the proceedings of the Governors at least one member of the Club requested information on that two weeks ago.

DR. WRIGHT: On that same line—if Warden Johnston will also tell us in brief just how they determine when those indeterminate sentences are placed upon the prisoners.

Remarks by James A. Johnston

MR. JOHNSTON: Of course, there are so many things about the prison question that in making a talk one can only hit the high spots and refer or allude briefly to various things, and I merely alluded to the indeterminate sentence in actual operation as distinguished from the sentencing of prisoners under the old law. The Penal Code provides the minimum and maximum terms for various offenses, for the felonies. Under the old law the judge, exercising the discretion vested in him, pronounced a sentence, a definite number of years between the minimum and maximum term. For example, the crime of burglary in the first degree is made punishable by the minimum one year and the maximum fifteen years. The judge pronounced the sentence of three years or eight years or thirteen years—anything up to fifteen. Under the working of that law we found in the fifty-eight counties of the State, and in taking into account the large counties like San Francisco, Sacramento, Alameda and Los Angeles, where several judges are engaged nearly all of their time in the handling of criminal cases, it required about seventy or more judges to pass sentences on those convicted of crime. The judge in Imperial county had no practical way of consulting with the judge in San Francisco county or in Inyo county, or in San Joaquin county. The result was, the judge from Imperial county, exercising his good judgment with the information before him, would give a man perhaps ten years for a crime committed under certain

circumstances. Perhaps on the same day, from the county of Placer or El Dorado or Sacramento or Sierra or Plumas, a man would come in who had committed the same crime, and so far as it could be ascertained from the record under about the same circumstances, and he would get perhaps two years, one year or three years. I do not know that the wishes of law-breakers ought to be consulted particularly about the matter, but this is important when you consider its effect upon the law-breakers and the difficulty in inculcating in them a respect for the law. Many law-breakers became resentful of the law and the machinery of the law and the inequalities and inequities in the law, when there were different sentences for the same crime under the same circumstances. I make due allowances for the fact that, of course, in many cases the judge having the opportunity of getting the local color and the minute details of the crime, had some information concerning the crime itself perhaps that the indeterminate sentence board may not, but in general the sentencing board has all this information that the judge had and much information that the judge did not have. The man comes to prison for the term fixed by law, and he does not know what his sentence is going to be, except that he knows it is not going to be less than the minimum or more than the maximum as provided by law. He must serve the minimum term before his case is reviewed and the definite sentence fixed. While he is serving the minimum term the prison authorities are examining him, observing him, corresponding concerning him, getting statements from the judge, from the district attorney, the sheriff or the police chief, his own counsel, his former employers, and all of those wherever located who may be able to give any information concerning the man; and he is being observed in prison with relation to his conduct, his purpose, his industry and, insofar as we can judge it, his desire for betterment. All of that information is placed before the Board of Prison Directors when they are reviewing the case after he has served the minimum term. They have the opportunity of reviewing all of that information, of comparing this man's crime and the attending circumstances, whether mitigating or aggravating, with another man's crime, the same offense according to the code but committed in a different place, in perhaps somewhat the same circumstances. Every man's sentence is fixed by them and they have knowledge concerning every case, with the result that there is more consistency in judgment, a nearer aproach to equality in sentencing, more information on which to base the judgment. And, as I said to you when I was speaking to you before, the result is that those with well-established and

well-known criminal records, whose criminal records have been discovered, as a rule get longer terms than the first offender, because the tendency in handling those convicted of crime today is not to be satisfied merely with knowledge concerning the crime, but in knowing something about the man who committed the crime.

Now to illustrate by a concrete example what did happen under the old law and could not happen under the indeterminate sentence law. I was warden at the other prison, at Folsom, before I came to San Quentin. A prisoner sentenced from one of the southern counties appealed to me to see if I could get the board of Prison Directors to parole him. It was the custom of the board to hear applications for parole only after the prisoners had served half of their net term, although under the law they could grant a parole after the service of one calendar year. I found the prisoner was serving eight years. I computed the net term and told him when he could get a hearing. "But," he said, "my partner got a one-year sentence and with the credit allowance he will get out of prison in ten months before I can legally be eligible to parole by a couple of months, unless the board takes cognizance that I have been unjustly dealt with." I said, "Do you mean to say that you have received an eight years' sentence and your partner only a one year sentence?" He replied, "I received an eight years' sentence and my partner only a one year, not only for the same kind of a crime, but for participation and being partners in exactly the same crime." "Well," I said, "that being the case, your partner must be a first-termer and you an old offender." He said, "Do you know that to be so?" I said, "No, I have only taken a pot shot at it." He said, "It is not true. I wish you would look it up." I found that the man who received the eight years' sentence was a first termer and despite search to find out whether he had a previous record I was unable to find any previous history recorded against that man, and I corresponded with a great many people concerning him. And I found that the other man, participating in that same crime, the man who had received the one-year sentence, was a third termer, and the record was there to prove it. because his two previous terms had been served in the prisons of this State. And after patient and diligent search of the records and abundance of caution, because I did not want to be fooled on the record, I went to the third termer who had the one-year sentence and I said, "How did it happen that you got a one-year sentence and your partner got an eight-year sentence? What is his past record that I have not been able to find out?" He said, "Nothing that I know of?" I said, "This is your first term, isn't it?" He said, "No, I am a three-time loser." I

said, "How did it happen that you got one year and the other fellow got eight?" He said, "I copped a plea, and the boob fought the case." The "copped a plea" is the vernacular for saying that he was foxy enough to plead guilty and get it over with and take the minimum sentence, and the other fellow fought the case and gave them no end of trouble, and when they sentenced him they gave him eight years. Now, he may be entitled to some extra punishment because of his disposition. But I submit to you that no system that will give a third termer a one-year sentence and his partner in crime, a first termer, eight years, because one fellow is foxy enough to get in right and the other mean enough to fight the case, can put respect for the law into the minds of those men. I think there is a duty devolving upon officials to be so circumspect, so fair, so just in their conduct in their relation to offenders, that the offenders will have some respect for the law and for the officials who administer the law. Does that answer both questions? (Applause.)

THE PRESIDENT: We still have ten minutes at our disposal and I would like to divide the time between Chief of Police Vollmer of Berkeley, whom I request to address us on this subject, and Mr. Booth.

Remarks by August Vollmer

MR. VOLLMER: I have listened attentively to what has been said tonight and assure you that the advice given by Captain Matheson ought to be followed. Captain Matheson without doubt has had more practical experience and has given more intensive study to the subject of crimes and criminals than any other man in this State. It is absolutely true that we know little or nothing regarding crime factors. We do know, however, that criminal statistics have remained practically static since 1880. There has been no decrease in the percentage of criminals operating in this country, notwithstanding the fact that we have spent millions of dollars for probation and the parole system, and millions of dollars in attempting to reform the criminal. We should begin to study the causes of crime through psychopathic examinations of delinquents.

An amateur statistician of this State has estimated that the cost of crime in California is $36,000,000 annually. It costs San Francisco $1,500,000 for their police department; and Warden Johnston asks for one-half million dollars every two years in San Quentin. And this goes on year after year without any effort on our part to find out what is wrong. It is my opinion that most of our delinquency may be traced to mental peculiarities and abnormalities, and whatever we do in the future toward crime prevention must be done in the schools and not in

police departments, jails and penitentiaries. In some cities they are making surveys to ascertain the causes of crime, and the first effort toward that end in this State is the establishment of a volunteer psychopathic clinic at the city prison. There are here in San Francisco a number of experts who are willing to give their time, but they must have a few hundred dollars to pay for the completion of their statistics. So I urge you to give their modest request your very serious consideration, and support Captain Matheson's recommendation for the establishment of a permanent psychopathic clinic in San Francisco, and examination of all delinquents in this State before trial. (Applause).

THE PRESIDENT: I will now ask our guest, Mr. Booth, to address us once more. On behalf of the Club I thank him for his presence here today and for his very instructive address.

Remarks by Charles Brandon Booth

MR. BOOTH: I am sure it has been a privilege to be here, and I am particularly glad to add one more word, not for myself, but for the business men of the State of California.

I have had a privilege that Warden Johnston and Captain Matheson and Parole Officer Whyte have not been able to avail themselves of—I have been a free lance; they have been tied to their work.

Every movement needs a head, and we speakers have realized tonight that we have been addressing members of the largest and most influential club west of the Mississippi river. Why should not that Club be the head of the effort for the solution of this problem? Why should not that Club take Warden Johnston with them and Captain Matheson and Parole Officer Whyte, to go over the question with them to the end that definite action shall be instituted tending toward the accomplishment of what has been suggested here?

This is the message that I bring to you tonight, from the One Hundred Percent Club, from the Commercial Club, from the Rotary Club of San José, from the Rotary Club of Santa Barbara, from the City Club, the Rotary Club, the Kiwanis Club of Los Angeles; from the Kiwanis Club of San Francisco, from the Rotary clubs of Redlands and San Diego, and from many other of California's most influential clubs and business men and business women:

"Commonwealth Club, lead us, and we will put behind you the biggest force of business men that ever got behind the proposition for legislation in the State of California." That is their message to you. Will you accept the challenge? (Applause.)

Action by the Club Meeting

THE PRESIDENT: I want to ask Captain Matheson how far he wants us to go along the lines that he suggested. I believe it is the sentiment of the speakers here tonight that we want to do something definite on this line.

CAPTAIN MATHESON: We want to go the limit. There is no limit to a good work, and anybody that seeks to put a limit on a good work is an obstructionist; he does not belong in society. We have the welfare of the city and county of San Francisco at heart; we have the welfare of the community at large.

MR. DAM: In order to bring that motion before the members present—you are familiar with the motion—I will make it. I am an advocate of it.

CAPTAIN MATHESON: I want to say this: Regardless of what action this Club may take, we do intend to get the people through the next Legislature to provide for this thing. I think it is something new. The last Legislature provided for a state industrial farm and the sum of $100,000 was procured by the Legislature. I am one of the trustees appointed by the Governor, and if things go well—I have the certificate of title in my pocket—we hope to have that property in our possession and have the farm in operation by the middle of next summer.

MR. STAFFORD: I move that it is the sense of the members gathered in this meeting that the Governors shall, in the words of Captain Matheson, take up the subject and go the limit.

MR. ADAMS: I second the motion.

THE PRESIDENT: You have heard the motion, that according to the sense of the words of Captain Matheson, the Governors shall take up this subject and go the limit.

MR. KEPNER: It has occurred to me, in listening to the discussion tonight, that it might be wise to go further than Captain Matheson suggested, and let this work start in the public schools, and let each one be examined and provision be made for their care, and then we will not have as many questions as we have today.

THE PRESIDENT: I want to say that valuable material has been offered to the Section on Delinquency, and I am sure that they will benefit by what has transpired here this evening.

All those in favor of the motion will signify by saying aye. Contrary no. The motion is carried, and the hour of adjournment having now arrived, I declare the meeting adjourned.

TRANSACTIONS

OF THE

COMMONWEALTH CLUB

OF CALIFORNIA

Vol. XV December, 1920 No. 7

Water Power and Irrigation

SAN FRANCISCO, CALIFORNIA

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VOL. XV SAN FRANCISCO, DECEMBER, 1920 No. 7

WATER POWER AND IRRIGATION

After an investigation lasting many months the Club's Committee on Water Power was requested to report its data and recommendations at the Club meeting of October 21, 1920. As any discussion of the use of water in the State must be of vital interest to the holders of irrigated lands the Club's Section on Irrigation was asked to participate in the meeting.

The subject of water power has received the attention of the Club for many years. It was referred to in the discussion on "Regulation of Water Rights" (See Transactions, Volume I, No. 6, December, 1905). A large amount of data was furnished in the report of the Section on Conservation (Volume VII, No. 2, June 1912) "Report of Committee on Water Power." On the dissolution of the Section on Conservation the Committee on Water Power was constituted in 1916 as a separate body and has met from time to time. For the year 1920 the Committee was constituted as follows:

E. B. Bumsted, Chairman; F. G. Baum, C. H. Bentley, H. U. Brandenstein, John A. Britton, H. G. Butler, A. E. Chandler, Frank R. Devlin, Henry D. Dewell, Mortimer Fleishhacker, G. S. Forderer, F. H. Fowler, W. L. Huber, Ely C. Hutchinson, H. F. Jackson, Chas. H. Lee, B. F. Lynip, W. F. McClure, Thos. H. Means, Edward F. Moran, M. M. O'Shaughnessy, Carl Henry Reuter, Robert Sibley, C. B. Wing.

The data discussed by the committee was assigned to the several members and the discussion presented to the Club meeting in the following order:

1. E. B. Bumsted, Chairman Section on Water Power, Synopsis of Conclusions.
2. P. M. Downing, Vice-President Pacific Gas & Electric Co. in charge of Electrical Operations, "Review of the Water Power Development of the State."
3. Frank Adams, Irrigation Investigations U. S. Department of Agriculture, "Review of the Irrigation Development of the State."
4. H. G. Butler, State Power Administrator, Railroad Commission of California, "Our Undeveloped Water Resources."

5. Charles H. Lee, Executive member of the State Water Commission, "Present Activity in Irrigation and Power Development."
6. Alfred T. Brock, Assistant Vice-President, National City Company, "Financing of Power and Irrigation Developments." (Read by Robert W. Cross.)

At the close of the meeting a resolution was adopted requesting the Sections on Water Power and on Irrigation to draft measures to extend the work of the State Water Commission and to provide funds for investigation by the State Department of Engineering.

Four declarations of policy to cover the necessary steps were drafted by the Sections and approved by the Governors with a qualifying statement, and sent to the entire membership of the Club with notice of the December meeting. The declarations of policy were brought up at the Club meeting of December 16, 1920, and approved. The final discussion is included in this number of the transactions.

There is also included the address on "The Fuel Oil Situation," delivered by D. M. Folsom at the luncheon meeting of October 22, 1920, and the comment of John D. Galloway on the reports presented.

Club Meeting of October 21, 1920

The Club met at the Hotel St. Francis, San Francisco, on Thursday, October 21, 1920, at 5:30 p. m. At the close of the dinner and business meeting, President C. E. Grunsky called the members to order with the following statement:

Remarks by President Grunsky

MR. GRUNSKY: The present sequence of seasons with less water in the streams than normal and with storage in the few reservoirs already constructed nearing exhaustion, has made it particularly appropriate for the Commonwealth Club at this time to give consideration to water power development and to the increased use of water for irrigation.

The early development of the State's water resources is of paramount importance. We can exhaust our mineral deposits, our oil and natural gas supplies, and even our primeval forests, but the water supply is annually replenished. Posterity will not be robbed, but only benefited by the early full development of water resources.

The State should therefore encourage this development by a liberal policy and by extending every possible aid. There is, perhaps, no more effective and certainly no better way of extending aid and facili-

tating early control and development of the State's waters, nor of effecting the desired regulation of stream flow, than under a program involving the construction of the necessary storage reservoirs by the State or by the State in co-operation with the United States. That this should be done seems almost axiomatic. The reservoirs should all be developed for maximum service which is not to be hoped for under private ownership. The stored water will be required for power, also for irrigation, and there may be serious conflict of these diverse interests.

It may also be required to meet domestic needs and to reserve the navigability of certain streams. Furthermore, the reservoir space, under Government control, can be used in some measure at least to cut down the peak of floods,—a use of this space which would largely be sacrificed if the reservoirs were all constructed by private interests for power and irrigation.

By the construction of the reservoir by the State the power company and the irrigation district will be relieved of much expense, and will be put into better position to finance their enterprises. Their water resources will be more dependable than if left to private manipulation. The State will benefit directly and indirectly. Directly because each proposition undertaken should be economically sound—the State should get adequate return for wholesaling the water to those who have acquired the right to use it. Indirectly, too, the State would benefit by the industrial and agricultural enterprises that would be established wherever power is made available and irrigation is made possible; and the State would almost automatically find itself in police control of the streams into which it feeds the outflow of any reservoir.

On interstate streams such as the Colorado River, which receives run-off from seven different States, the same policy of reservoir construction should be adopted by the United States, and the water made available by storage should be paid for by those who use it. Time will not permit my saying more on this subject which is of vital concern to this State.

The program for this evening has been arranged by Mr. Bumsted, the Chairman of the Club's Section on Water Power, who will now address the Club on behalf of the Section.

Statement by Chairman Bumsted

MR. BUMSTED: The Section on Water Power will present this evening a series of papers which have been prepared with a view to

calling to your attention a number of problems which we are facing in connection with the development of the water resources of the State. In order to adequately cover this important subject, we have asked the chairman of the Section on Irrigation to co-operate with us in presenting the situation of the irrigationist as it is connected with the problems under consideration.

The State has been passing through a number of very dry years, of which the present is one of the driest we have ever experienced. The power companies have been forced to curtail the supply of energy throughout the State, resulting in a decrease in the production of many commodities, with the consequent decrease in earnings to those affected. The irrigationists have especially suffered from the lack of adequate water to furnish moisture to promote growth; this likewise has resulted in the much decreased crop production with the consequent decrease in earnings. A frequent recurrence of this condition would prove to be a serious handicap to the progress of our community, and as it is one of the important functions of this Club to investigate such vital subjects as we have before us tonight, and perhaps offer suggestions for improvements, this Section has arranged the presentation of this subject so as to place before you the situation as viewed by men who are in close touch with every phase of it, and we believe you will agree with us in appreciating the necessity of devising some comprehensive plan to develop our water resources so that the fullest measure of value can be obtained for all the various interests dependent on water.

The first paper to be presented describes what has been accomplished to date in the development of the waters of the State for electric power purposes. The author states the annual increase of power based on past experience required to meet the demands of the public, and gives the amount of money required to provide these facilities.

The second paper describes the development of irrigation in the State, the author also stating the average increase in the acreage irrigated, and sets forth a statement of the money required annually for irrigation needs, and also gives an estimate of the cost of construction of a number of irrigation districts now organized for whch improvements are proposed.

The particular purpose of the first two papers is to show the large annual increase in the public's demand for both power and irrigation facilities, and also the amount of money required annually to meet these demands. The manner of raising this money will be referred to in the fifth or last paper by Mr. Brock.

The third paper cites the large consumption of oil used during the past year for the generation of electric power by steam to supplement the power generated throughout the State by water. This is indication of the absolute need for the early and continuous development of large blocks of hydro-electric power in order that our limited oil supply may be conserved for the future.

The author of this paper makes some very novel and valuable suggestions in regard to the economics of power generation that could be accomplished by the unification of all the power systems in any one district tributary to a common source of hydro-electric power, such as the Sacramento and its tributaries, as contrasted with the economics of a separate development of each stream by different companies with individual power plants. The economies to be obtained from such a unification have long been recognized, and one of the important things to be accomplished by such a plan would be the maximum utilization of the run-off of the streams and the consequent reduction to a minimum of the waste of these waters.

Our Federal Government has only recently completed the appointment of a commission called the Super-power Commission to investigate the possibilities of establishing a unified power system extending from Maine to Florida, which means the comprehensive development of all the streams in that territory, together with the utilization of the waste coal at the mines for the generation of power by steam.

Another valuable suggestion by the author of this paper is in regard to the State co-operating in the construction of reservoirs for the use of both power and irrigation interests. There is an ever increasing necessity for conserving our water supply for the purpose of rendering the maximum amount of land available for production by irrigation requiring the entire run-off of our streams, or as much thereof as is economically possible, to be carried either directly in canals to the land or to be held in storage reservoirs for later use on the land. A single stream with storage reservoirs on it may serve many irrigation interests, also the utilization for power generation of the fall in the stream on which the storage reservoirs and the irrigation systems are found can be undertaken without undue interference with the rights and requirements of the irrigators. Such a combination of interest can usually be best handled by some neutral and impartial party. The author suggests that the State is the logical party to undertake the providing of the reservoirs which would serve both interests and to otherwise administer the rights of the respective parties. The Section will further consider

this suggestion and possibly develop some practical plan for obtaining State aid to further such a comprehensive development.

The fourth paper contains some very interesting statistics which will show the increased interest of the public in our water resources for both power and irrigation. This interest has been particularly keen during the past year. One of the curves prepared by Mr. Lee from the records of his office indicates very clearly the urgent necessity for the construction of reservoirs to conserve the run-off. It will be quite impossible to accomplish this without the construction of an expensive system of reservoirs as the normal flow of practically every stream in the State is already appropriated, and additional water can be made available only by the construction of reservoirs to store the flood waters. The folly of granting permits to carry out projects to which none or only a portion of the requisite water is available is too obvious, and if done would result in unending litigation.

In discussing with Mr. Lee the great increase in the number of applications during the past year for the use of the waters of the State, he disclosed the impossibility of properly investigating many of these numerous applications owing to the lack of adequate funds at his disposal to undertake this work. He is also without proper jurisdiction which would permit his office, as an impartial party, to adjust differences between the vested owners of water rights, especially on any one stream, and also to undertake the distribution of such waters between the many owners, which matter becomes especially important in years of small run-off. It would seem very desirable that the State Water Commission should be provided with adequate funds to properly perform its functions, and it will also be the purpose of this Section to consider this matter with a view to making legislative recommendations with regard to it.

In the fifth paper, Mr. Brock has given careful thought as to how the large amounts of money required annually to meet the demands for power and irrigation are to be raised, and the plans suggested by him should be borne in mind by those requiring funds for these purposes. You will especially note that he believes it will be highly important to keep the credit of our State at its maximum in the Eastern financial centers, as we will be obliged to call on these for the major portion of the funds to be raised to carry out these improvements.

It will not do to extract from the investors of the State too large a share of their savings to put into these securities, it being a wiser plan for them to use a good portion of their savings in their business under-

takings at home which will use the developed energy itself, and also the products of the soil produced by the irrigation developments.

After each of the papers to be presented a number of slides will be exhibited on the screen illustrating much of the subject matter included in the paper. Our present water power plants will be shown, also those under construction, together with the sites of future plants on some of our largest streams. A number of the large irrigation reservoirs and dams already constructed, also those about to be constructed, will be shown. These should be of interest in impressing upon you the great amount of work now under way in the State, and the large amount of funds necessary to carry them to completion. At no previous time were our requirements ever so great for these purposes, and there is great responsibility resting on those undertaking the financing of these projects, which of course must be carried to completion in spite of the high money costs prevailing. The improvements under way and proposed must be completed without delay in order to meet the demands of the public and to insure continued prosperity. The burden of providing these funds should be felt by all of us, and these numerous projects should be assisted in every way that our individual capacity permits.

In reference to the problems which I have briefly referred to, and which will be discussed further in the various papers, the thought will perhaps occur to you that there is great necessity for learning more about the possibilities of fully utilizing the waters of our State. There is no doubt that the proper party to undertake this is the State Department of Engineering under the direction of the State Engineer, which department should be provided with ample funds to make a satisfactory engineering investigation of the water resources of the entire State, including a study into the favorable storage reservoir sites on each stream, and their use for both power and irrigation. With this information in hand the State could render great aid in the development of any individual water-shed by both the power and irrigation interests, and also by the municipalities for domestic water supply purposes, it being obviously very desirable to arrange such developments so that the maximum utility can be obtained for all interests. It is the purpose of this section to also consider this important matter and make recommendations for legislative action to provide the necessary funds.

We trust these papers as presented will serve a useful purpose in creating an inspiration in those from whom assistance must be expected.

The Water Power Situation on the Pacific Coast

By Paul M. Downing, Vice-President Pacific Gas and Electric Co.

MR. DOWNING: With the possible exception of transportation there is probably no commodity or agency more essential to the development of the industrial and agricultural resources of a community than power. Present day economic conditions have made it a public necessity and the ever rising standards of living have created a continually increasing demand for it.

From our present knowledge of the art we know that power can be produced commercially in only two ways. First, by the use of fuel, either in internal combustion engines or by the more indirect process of evaporating water for the production of steam; and second by utilizing the potential energy of water flowing from the higher elevations on its downward course to the sea.

The West is without an adequate coal supply and the cost of transportation when obtained from other sources is such as to make its use as a power producing fuel prohibitive. Since the discovery of oil in this State a few years ago, the use of coal as a fuel for the production of power has been almost entirely superseded by oil. But with the present price of oil, approximately 300 to 400% of what it was a few years ago, the demand exceeding the supply, and the possible early depletion of many of the present producing fields, there is but little hope of meeting the future power demands by the use of it as a fuel.

Our power supply for the future must come, not from sources that will result in a further depletion of our already too nearly exhausted fuel resources, but from a greater development and utilization of our splendid natural water powers.

A conservative estimate of the available potential water power in the United States is 60 million H. P. Segregated according to states we find that the State of Washington stands first with 9½ million H. P. or 15% of the total potential water power in the United States. California stands second with 9¼ million H. P. or 14.6% of the total, and Oregon ranks third with 7 million H. P. or 11% of the total. These three Pacific Coast states together represent 40.6% of the total potential H. P. of the United States. Including with these the states of Idaho and Montana, we find that these five Western states alone have a total of 35,750,000 H. P. or 57.1% of the total potential water power of the United States.

Of this available power only a comparatively small percentage of the total has thus far been developed. Of the 60 million H. P. of the

United States only 15% has been developed. In California only 10.2% of the 9,250,000 H. P. available or 942,000 H. P. is being utilized. In Washington the rate of developed to potential power is even less, being only 3.8%, while in Oregon it is only 3.5%. Comparing these with other sections having lesser amounts, we find that in the New England States 77.2% of the available water power has been developed.

It is a significant fact that while we have, west of the Rocky Mountains, only approximately 8% of the population of the United States, yet we have 68% of all of the available water power.

The Western States as a whole stand first in their per capita consumption of electricity, the use in this territory being 2.2 times as great as the useage in the remainder of the United States. The Pacific Coast States use more electricity for agricultural purposes than all of the rest of the United States put together, and the dependence of the future of the agricultural industry upon electric pumping indicates that this ratio will not only be maintained but will increase.

The records of the department of the interior show that public utility hydro plants of the United States produced approximately 1½ billion K. W. H. per month. California and New York lead, each producing approximately 250 million K. W. H. Montana and Washington come next, each having outputs of slightly less than 100 million K. W. H. per month.

With such an abundance of natural power resources at our disposal and a sufficiently liberal policy on the part of the Federal Government and other regulatory bodies to make their development financially attractive, the Pacific Coast states need have no great concern over their industrial future being impaired by the threatened exhaustion of the oil supply. There is no doubt but what the time will come when the utmost development of water power will be given every possible encouragement and, if necessary, enforced in order that fuel may be conserved for heating and other important purposes where electrical power cannot under present conditions be utilized advantageously or economically.

To indicate the possibilities of conservation along this line we need merely to reflect upon the fact that every water horse power now going to waste would, if substituted for fuel power, represent on the basis of 12 hours' use per day result in the saving of approximately 5½ tons of coal or 16 bbls, of oil per year. If the undeveloped water power in the United States could be economically substituted for fuel power

there would result on the basis of 12 hrs. usage per day an annual saving of 280,000,000 tons of coal or 816,000,000 bbls. of oil.

The application and utilization of water as a prime mover is an art many hundred years old, but it is only within the last 25 years since the possibilities of transmitting electric energy for long distances at high voltage became known that its field of application has been fully realized.

California enjoys the unique distinction of having put into successful operation the world's first long distance high voltage transmission line. Power was generated at a small 160 H. P. hydro plant on San Antonio creek and transmitted at 10,000 volts to Pomona, a distance of 13 miles, and to San Bernardino, a distance of 28 miles.

Long distance tranmission of electric power has played a very important and essential part in the development of the State's resources. From a few hundred H. P. in 1895 the industry has grown until today there is in use in this State alone almost one million H. P. of water power, and the industry is increasing at the rate of approximately 100,000 H. P. per year.

One of the greatest problems confronting utility companies having to do with the production and distribution of power is that of financing the vast amount of construction work that will have to be done during the next few years to meet the increasing demands for power.

A conservative estimate of the amount of new capital that will be required in California alone during the next five years is from $40,000,000 to $50,000,000 per year.

During the war but little new work was undertaken except such as was considered an absolute war necessity, and yet during that time the enforced activity in manufacturing, shipbuilding and other industries, together with the urgent and insistent demand for more intensive production of food stuffs, created an unprecedented demand for power. This has resulted in a very serious power shortage not only in California but throughout the entire country. The situation has been further aggravated in this State by reason of the fact that during the past three years the precipitation has been considerably below normal. The shortage was so serious during the short water period of the past few months that it became necessary to adopt restrictions limiting the amount of power used by many important industries.

Within the last two years practically all of the power companies in the State have adopted very comprehensive construction programs, and even in the face of existing high price of money and the scarcity

of labor and material they are actively engaged in the development of additional hydro electric power on a scale which indicates that barring any unforseen condition that might arise there will within the next year and a half be available an additional 270,000 H. P. of hydro power and 33,000 H. P. of steam.

Some of the more important new developments now under construction by the different power companies in this State that will go to make up the above are the following:

The Pacific Gas & Electric Co. has under construction on Hat Creek in Shasta County, a tributary of Pit River, two different water power plants each having a capacity of 16,600 H. P. These will be completed early in 1921 before the short water season comes on. Another installation, having a capacity of 93,000 H. P., is being made on Fall River, another tributary of Pit River. This will be completed early in 1922.

These three plants represent the beginning of a series of installations to be made on Pit River and its tributaries which by the successive use of water flowing in these streams will eventually utilize the 550,000 H. P. available within a radius of 30 miles.

On the south fork of the Stanislaus River a 10,000 H. P. installation is under construction and will be completed by the middle of 1921.

In addition to the above hydro plants the capacity of the steam electric station in Oakland is being increased by the addition of a 16,600 H. P. turbine.

The Great Western Power Co. is actively engaged in the construction of a 53,000 H. P. plant on the north fork of the Feather River and expect to have it in operation early during the coming year. This will be followed by other installations utilizing the same water as fast as the demand for power requires.

The San Joaquin Light & Power Corporation has within the last sixty days completed and put into operation a 40,000 H. P. hydro plant on the San Joaquin River, and now has under construction in the oil fields a 16,600 H. P. steam installation that will use as fuel natural gas now going to waste.

The Southern California Edison Co. is increasing the capacity of its Big Creek plant No. 2 by the addition of another unit having a capacity of 20,000 H. P., and is also actively engaged on the construction of a new 40,000 H. P. installation on Kern River.

The Southern Sierras Power Co., operating on the eastern side of the Sierras and in the extreme southeastern part of the State, has under

way at the present time increases in their present plant that will give an additional capacity of 15,000 to 20,000 H. P.

Thus it will be seen that although during the war the power companies of the State were of necessity active in so far as increasing their facilities for giving service was concerned, they are now all actively engaged on new work which when completed will not only safe-guard against recurrence of our shortages such as have obtained during the past two years but by a substitution of hydro for steam generated power the consumption of oil as a power producing fuel will be materially reduced.

California Irrigation Development

By Frank Adams, Irrigation Investigations, University of California and U. S. Department of Agriculture

MR. ADAMS: California is recognized as pre-eminently an agricultural State. Important as her mines have been and still are, and great as are her opportunities for manufactures and commerce, that which makes of this State a really great commonwealth, as wide in her range of production as our entire country, is her ability not only to supply essential food products and food luxuries for a very large home population and for export, but also to furnish opportunity for the highest type of rural development.

And just as surely as the wealth of California is bound up in her agriculture, just so surely are the present and future success of her agriculture dependent on the most careful and the most complete agricultural use of her waters; and also, just so surely is the most complete agricultural use of her waters in very substantial measure dependent upon hydro-electric power.

In at least 65% of the 22,000,000 acres that make up the valleys and agricultural plains and foothills of California, intensive agriculture, if possible at all, is not permanently profitable without more moisture than the normal rainfall supplies; and even in all of the remaining 35%, possibly excepting the narrow coastal areas of the most northerly counties, irrigation is distinctly a needed advantage.

Irrigation, Wealth, and Population

The pre-eminence of irrigation in the agriculture of California can also be measured in the growth and distribution of her wealth and population with reference to the development and use of irrigation waters.

For instance, eliminating Alameda county, San Francisco city and county, and the city of Los Angeles, because of being chiefly or entirely urban, and dividing the remaining counties into two equal groups in accordance with the character and extent of their irrigation development, the group in which we find the largest area of irrigated land contains at least three-fourths of the total wealth of the State, as far as it is evidenced by assessed valuations. Continuing the comparison with the same eliminations of urban areas, we find these counties having the largest irrigation development containing 73% of the total population.

It would be very easy to particularize in this matter of the wealth

and population of the State following irrigation developments if there were time available. For instance, Imperial County, which is entirely dependent on irrigation, might be cited. There, in the small space of twenty years, wealth as evidenced by assessed valuation has grown from nothing to $78,000,000, and population from nothing to over 43,000. Continuing, we might compare Fresno County, where practically all agricultural growth has been due to irrigation, with Tehama County two hundred miles farther north, where wealth and population have been in the main dependent on dry farming. The assessed valuation per cultivable square mile in these two counties in 1919 was approximately $69,000 for Fresno as against only approximately $37,000 in Tehama. Likewise the present population in these two counties per square mile of cultivable area is sixty-eight in Fresno as against only twenty-seven in Tehama. Furthermore, the percentage of increase in population from 1890 to 1920 has been 302 for Fresno County and only thirty for Tehama County. The secret is that in Fresno County 517,000 acres of land, or 42% of the cultivable area, is under irrigation, while in Tehama County the present irrigated acreage approximates 20,000, or only 6% of the cultivable area.

Irrigation the Controlling Factor in California Agriculture

It is, however, wholly unnecessary to multiply statistical examples of what irrigation has meant thus far in California agriculture. It is common knowledge that with a very few exceptions, wherever we find intensive agriculture and progress in the State, we find also, as a controlling factor, an irrigation water supply in use. In the north a few fine towns like Chico, Woodland, and Marysville were established and made into good towns by the returns from grain farming without irrigation, or from mining and trading; but it has been the development of irrigated lands that has given the northern towns new life, and that has established thriving agricultural communities like those at Orland and Gridley, Corning and Willows, Durham and Dixon. In greater measure is this true of Central and Southern California; and of course it is trite to dwell upon the fact that the beautiful cities and attractive communities that have spread the name of Southern California everywhere, could not exist without irrigation.

In short, if anyone in the past has doubted the pre-eminence of irrigation in California agriculture, this pre-eminence is no longer questioned by anyone at all familiar with California agriculture and with the land areas and the growing conditions of this State.

Rate of Irrigation Growth in California

The approximate annual increase in the irrigated area of California has been 140,000 acres, the present total irrigated area being about 3,900,000 acres. In the past, the cost of building irrigation works, exclusive of works needed for distribution of water on farms, generally has ranged from $5 to $10 per acre in earlier times to $30 to $40 per acre during the last decade, averaging around $20 when definite figures were last obtained for all of the State in 1909. This was an annual outlay in California for main irrigation works of only about $3,000,000. The present costs are, of course, considerably in excess of past figures, seldom being less than $50 per acre and frequently more than $100 per acre. Fifty to sixty dollars per acre certainly is not an excess figure on which to estimate the needs of the present and immediate future. On this basis, if money for construction of irrigation works were to be needed at about an average rate, as measured by the average annual increase in irrigated areas, the financial demands for the construction of new irrigation works might be estimated at from $7,000,000 to $10,000,000 per annum. As a matter of fact, unless the country undergoes an unusual industrial depression, the rate of increase of irrigation in California in the future is going to be higher than 140,000 acres per annum. Furthermore, we have come to the point in our irrigation development in California where very large initial outlays are necessary if contemplated projects are to be carried forward. It is difficult to forecast just how rapidly these new projects are justified in undertaking construction—certainly they should not go forward much faster than successful settlement can be accomplished—but it is possible to state approximately the amount the more important existing and contemplated projects are planning to spend if they can get the money. A recent inquiry made for the purpose of this paper has disclosed these needs or demands about as follows, the figures given not including any funds for enterprises now merely in preliminary promotion stages:

Needed to carry out immediate construction plans of organized irrigation districts, and in the main already authorized by vote of the landowners	$12,000,000
To be needed during the next 5 years by organized irrigation districts to cover contemplated work now definitely included in construction program	$23,000,000
Likely to be needed by new irrigation districts for which constructions plans are now being prepared	$44,000,000
Likely to be needed by new irrigation district projects now in process of organization or active promotion	$78,000,000
Bond issues contemplated within the next 5 years by organized reclamation and drainage district in the San Joaquin and Sacramento deltas in which irrigation is a feature	$17,000,000
Total	$174,000,000

If anyone has had any doubt that irrigation development is going to make an immediately increasing demand for financial support, the above figures should dispel this doubt. Large as they are they do not include the plans of our few large private irrigation projects, such as those on Feather River; nor do they include the needs or demands of the smaller type of development of which there has been so much in the past. Furthermore, the figures do not include any of the money that will be necessary to enable settlers to build farm irrigation laterals and structures, and to prepare their land for irrigation, which usually can be taken to equal in amount the construction cost of main works.

The Larger New Projects

Aside from the large amount needed to finance new settlers on irrigated lands, the big financial demand of the present and immediate future in the field of irrigation in California is for large storage works, which thus far have not been undertaken on an extensive scale in California for irrigation purposes except in a few instances where hydro-electric development has been the initial incentive.

The outstanding California irrigation projects now under promotion or ready for construction in which this large scale storage is the principal factor are Iron Canyon project, important to the entire upper Sacramento Valley; the Don Pedro reservoir, for which Turlock and Modesto districts have recently voted bonds in excess of $5,000,000; Merced irrigation district, which will embrace in excess of 200,000 acres; Madera irrigation district, with in excess of 300,000 acres; the Pine Flat project, intended to supplement or provide new irrigation

facilities from Kings River for at least 1,000,000 acres; and possibly also the Kern River project, which has been under promotion for several years, but which is now under re-study by the State Department of Engineering.

If the plans of the sponsors or promoters of these six major projects are brought to a successful issue, or to a definite beginning, during the next five years, some public or private agency or agencies will be required to make financial engagements in excess of $100,000,000.

Relation of Irrigation and Water Power

Reference has been made to the large measure of dependence of California irrigation upon hydro-electric power. This is well illustrated in part by the six major irrigation projects just mentioned. Possibly excepting the Kern River project, none of these is likely to be able to finance its heavy construction program except through the sale of water power that can be developed in connection with its storage works. This dependence is further illustrated by the fact that all irrigation diversions from Sacramento River below Redding and above the Delta are dependent upon pumping and the additional fact that an increasingly large area in California is being irrigated by water pumped from wells.

While irrigation power demands are coincident with the irrigation use of the waters stored in reservoirs, and while the summer use of power is apparently going to be greater under California conditions than the use during non-irrigation months, conflicts between irrigation and power developments are already arising and may arise in increasing number unless we work out an effective State policy for coordinating them. This is plainly a matter for immediate concern, for instance, on the Sacramento River system where at least from 300,000 to 650,000 horse-power, depending upon the amount of storage utilized, has been estimated as being available. Fortunately most of this power can be developed without conflict with irrigation, but there is imminent a single case of conflict which would withhold a June to August irrigation supply from at least 200,000 acres in Sacramento Valley.

Present Standing of California Irrigation District Bonds

At present the major proportion of California irrigation development is through irrigation districts organized under the California Irrigation District Act, popularly known as the Wright Act. Some new legislation permitting the organization of so-called conservation

districts, as on Kings River, is needed, however, to take the place of the California Irrigation act recently held invalid by the Supreme Court. Generally speaking, California irrigation district bonds are now looked upon as safe investments in California, owing to the control over the issuance of such bonds exercised through the State Engineer, the State Superintendent of Banks, and the Attorney-General, acting as the Irrigation District Bond Commission. Furthermore, the present attitude of the Irrigation District Bond Commission indicates that while ready to help every district project that is elementally sound in its security and in its financial plans, the commission proposes, so far as lies within its power, not only to protect the name of the State, whose moral endorsement is in a measure behind approved irrigation district bond issues, but also to guard the credit of district enterprises whose bonds have already been authorized. Thus far there has been no default in the payment of principal or interest of bonded indebtedness by any California irrigation district organized or re-financed since the Wright Act was revised and re-enacted in 1897. Of course there is a difference in irrigation districts as in other enterprises, yet it is interesting to note in passing that one of the two or three soundest California irrigation districts, even in these times of high cost of money, has just sold a half-million dollar drainage issue at an interest cost to it of about 6¼ per cent.

There is no agreement yet among those interested in irrigation development as to how far the State itself should go in giving direct financial aid to California irrigation projects, although there is probably an increasing sentiment that such aid in very large projects and in the construction of expensive storage would be justified. There is agreement, however, that the authority of the State Department of Engineering in connection with the development of irrigation district projects and the money needed to exercise that authority adequately should both be definitely increased at the next session of the Legislature. If irrigation district projects can be adequately investigated by the State prior to the issuance of any bonds, and if the State can exercise proper oversight over the expenditure of funds it has authorized, many feel that all needed money will be forthcoming from investors. The investing public must, however, be prepared for increasingly large financial engagements if California irrigation projects are to receive the money that is being counted on.

Our Undeveloped Water Resources

By H. G. Butler, Power Administrator for California

MR. BUTLER: That the oil situation is critical is a fact so well known that it needs very little elaboration or explanation. Three brief quotations from a recent paper in the Annals of the American Academy, by David White, of the United States Geological Survey, afford a fairly complete summary and review:

"Oil is now being taken from the ground in the United States at a rate very closely approaching 400,000,000 barrels per annum. This is five times the rate in 1901 and twice that of 1909. At the close of 1919 nearly 5,000,000,000 barrels of oil had been produced in this country. This is about 43 per cent of the original recoverable contents as estimated. All this oil that has been mined in the United States in sixty years would be taken out in thirteen years at the present rate of production. Impressive as this fact may be, it is less alarming than the realization that the recoverable oil in this country, according to the conservative estimate, would probably be practically exhausted in seventeen years if the 1919 rate of production could be maintained for so long." . . . .

"It is stated that of about eight million motor cars, in round numbers, in the world, over 7,600,000 are in this country, which has been estimated to contain over 90% of all the internal combustion engines. It is calculated also that the number of motor cars will ultimately exceed twelve million, if it is not restricted by fuel prices. On every hand new uses for oil are being devised and old applications multiplied. Not even the recent increase in prices of gasoline and other by-products can be seen to have caused a perceptible slackening in the rate of increase of consumption, or to have curtailed plans for the more widespread and varied use of petroleum." . . . .

The article ends as follows:

"As Secretary Lane has urgently declared, in connection with his forceful recommendations to the President and Congress, 'the situation calls for a policy prompt, determined, and looking many years ahead.' This situation cannot be neglected. Longer to ignore it is to court disaster. The smug complacency that habitually blinds the American public must be torn aside and the trust in its reality of danger faced squarely, courageously, justly, and wisely. An unprecedented crisis in our country may call for action without precedent. It is the business of the American oil companies and of the Government, working both separately and in such effective co-operation as will insure a sucessful outcome, to see to it that the future oil supply of America is guaranteed as fully as that of any other nation."

California produces about 20% of the total oil of the world and about 28% of the total oil of the United States. There is no single

community which uses it in such quantities, in proportion to its population. Its trains are propelled by oil-burning locomotives. It has over 500,000 motor cars—more than there are in all the world outside the United States. It burns oil in all its large heating plants. The use of oil for farm tractors is rapidly increasing. The electric utilities themselves are burning 33⅓% more than they did five years ago. The need of substituting any other available source of energy for oil unquestionably applies with much more force to California than it does to any other single State in the Union, or to the country as a whole.

II

While we are exhausting this valuable natural resource at such a headlong rate, what are the facts regarding that other natural resource —water power—which is inexhaustible?

The estimates of the United States Geological Survey credit California with having 14% of the potential hydro-electric energy in the United States. It estimates the available water power of the State to be 9,250,000 horse-power, of which, to January 1, 1920, but 942,000 horse-power, or a trifle over 10%, had been developed. These figures are approximations only. They are based on high operating efficiencies and on the minimum horse-power available during the maximum six months flow of the yearly cycle. They do not include storage. A fairer estimate of the possibilities should probably be based on a lower efficiency and on stream flows considerably less than those made use of in this calculation. Two such estimates have been made. The first, using the same stream flows at a lower and more practical efficiency, indicates a possible maximum of 7,680,000 horse-power. The second, based on the mean of the minimum flows for the lowest two consecutive seven-day periods in each year, at the lower efficiency, indicates 3,415,000 horse-power. Both these figures are arrived at without considering the possibilities of storage. As the existing plants develop one horse-power from storage for every four horse-power developed without it, it is safe and conservative to say that there are in the State possibilities for developing the hydro-electric resources to the extent of 5,000,000 horse-power in addition to the present installations.

III

It will be instructive to compare this 5,000,000 horse-power with the potential energy in the fuel oil produced in the State of California,

measured by its ability to produce kilowatt-hours in a steam plant approximately equivalent to those now in operation.

The oil output for 1919 was, in round numbers, 100,000,000 barrels. At 200 kilowatt-hours per barrel—the figure used for estimates of this sort—the oil would have generated some 20,000,000,000 kilowatt-hours.

Five million horse-power to generate 20,000,000,000 kilowatt-hours would have to be operated on a load factor of 61%—almost exactly the load factor at which the plants of the State are operated. In other words, the unused energy in the streams equals the energy stored in the oil which is every year taken from the ground. In thirteen years the energy of the streams would equal that contained in all the oil that has ever been mined in California.

In spite of these startling figures the fact remains that hydro-electric plants can not and should not be built for the sole purpose of saving oil.

They will be constructed as fast as it is economical to do so, and no faster. When increased power is needed those who are responsible for providing it will sit down in cold blood and figure out the cheapest way to produce it. If interest on the comparatively low cost of a steam plant, plus the cost of operation including the purchase of oil, will furnish power cheaper than the very much more expensive hydro-electric developments, oil will continue to be used to generate electric energy. It is hard to see how any other course could be followed. If the State should undertake to subsidize the construction of hydro-electric plants to preserve its oil supply for its own people, an embargo would have to be placed on the exportation of oil from the State, or its expenditures would have been incurred for the benefit of the world at large.

The truth is that however desperate the need of conserving the oil supply may be, it will be conserved by the substitution of electric energy only as the price of oil makes it cheaper to generate energy by water than by oil. It is not necessary, therefore, to consider the oil situation either in estimating the desirability of a comprehensive plan for developing the power resources of the State or in working out the details of such a plan. Any plan, however, which assists in water power development will have as a highly desirable by-product the effect of conserving oil.

IV

Is a comprehensive plan necessary for making available for power the unused water of the State?

In a recent paper prepared by two members of the staff of the Westinghouse Electric and Manufacturing Company—one of whom was Mr. Darlington, chief of the Power Section of the War Industries Board during the war—as part of a committee report for the National Electric Light Association at Pasadena a few months ago, but which was not adopted by the committee, one phase of this subject was well and thoroughly discussed. I can do no better than to quote from that paper:

"A logical method for conserving the electrical resources of the Nation and economically supplying power is to determine the natural districts or zones within which power can best be manufactured by a single electric system and to unify generation within these zones.

"A natural power district or zone is the area within the limits of which it is most economical to manufacture power by a single electric system.

"By unification is meant, complete co-ordination within each natural power district for designing, financing, constructing and operating plants, so they will function as a single unit.

"All power within the boundaries of natural power districts should be served from unified systems, which should be designed for the successive development of such generating facilities as are best adapted for wholesale power manufacture to meet the entire requirements of each district.

"Such calculated plans for unified development will allow better conservation of resources and more efficient use of money than can be secured by diversified plans.

"Unification permits the most favorable location of generating plants with relation to the market and to fuel, condensing water and other resources, and further enables the advantageous use of generating plants and units of maximum size and economy and reliability favorable to the conditions. For hydro developments it permits the fullest use of water powers and the best adaptation of these natural resources to the load requirements and the earliest attainable loading of completed developments. Where water powers of different characteristics are available such as flow of river plants, versus water storage plants, it allows a more complete correlation for favorable use of these water resources. Furthermore, it further aids in attaining the much sought after better load factors and more effective use of reserve or spare generating units, and most of all, provides a better stage setting for adequate and economical financing, all making for increased reliability, fuller commercial expansion and conservation of resources."

The authors then discuss conditions in the State, and continue:

"It is obvious that with the present six or more power companies in California, each seeking capital for construction according to six or more development programs employing different natural resources as they may happen to be controlled by six different power companies, the problem of affording an adequate return, and at the same time the most favorable rate to the public, cannot be accomplished as surely as could be done if a unified plan employing only the best resources were adopted for the entire group of power interests.

"Conditions in California call for unification not only because a unified system is the most efficient in the employment of capital and in operation, but also because six or more diversified systems within the same natural power district and jurisdiction cannot in the nature of things be equally successful and prosperous under equal power rates, and power rates that are not equal tend to public dissatisfaction, and still further, inequality of financial successes leads to distrust on the part of the investing public, and if certain companies become financially embarrassed, their discredit reflects on electric power investments generally."

The writers from whom these quotations have been taken not only urge the need of a comprehensive plan for developing our water resources for power purposes, but they have also outlined what that plan should be—complete unification of the power interests so they can work together in "designing, financing, constructing and operating the plants so they will function as a single unit."

A few years ago this would have been considered as a startling and a radical proposal. To-day our power companies have gone so far in this direction that it will require but a few steps further to make such a program an accomplished fact. And these further steps are so logical and desirable, when looked at from the viewpoint of the public or the companies, that they will unquestionably be taken in the near future.

A comprehensive plan is necessary for power development, but forces of circumstances and economic pressure have already nearly brought it into existence.

V

Thus far no mention has been made of irrigation. On streams where power development is made without storage, power and irrigation seldom come in conflict nor have they anything in common, except of course the interest which irrigation and all other industries have in receiving an ample supply of power.

When storage is brought into consideration the facts are different. The experience of three dry years has shown that for both purposes increased storage capacity could be used to great advantage. This is self-evident as far as irrigation is concerned. As to power, in May of this year the output of the power plants in Northern and Central California, from the unregulated flow of the streams, was equivalent to 267,000 horse-power. In August it was 73,000 horse-power. The difference of 194,000 horse-power it was necessary to make from storage and steam. One hundred and thirty-seven thousand horse-power was made from steam by burning oil, which would largely have been made from storage had it been available.

Although considerable water used for irrigation comes from power reservoirs, there are but few instances—and those of minor importance—where water developed for irrigation purposes is being used for power. It is a significant fact that of the ten hydro-electric power plants now under construction in California, and which will increase the generating capacity 300,000 horse-power, only one, Hetch Hetchy, is developing seasonal storage, and that is for domestic supply. It appears, therefore, that as far as the immediate future is concerned, irrigation will receive no additional impounded water from power reservoirs.

There are several reasons for this. First, on many rivers water from existing reservoirs can be used through other power plants yet to be built. The Feather River is a case in point. Here the water impounded in Almanor, and now used in one plant, can be passed through six additional plants.

Second, the development of the art of electric transmission has made it possible to send energy five hundred miles from a generating plant without excessive losses, so advantage can be taken of diverse stream conditions on such rivers as the Pit and Klamath, and the need for storage lessened.

Third, the power companies in the State have already installed over 450,000 horse-power in their steam plants. The investment in these plants has been made. They are used for regulating purposes throughout the year so operating expenses are continuous. It follows that the additional power needed throughout the summer, which would otherwise be secured by the construction of costly reservoirs, can be generated by steam at practically the bare cost of the fuel.

Fourth, power and irrigation cannot unite on the construction of reservoirs on a "fifty-fifty" basis. The same kind of reservoirs are

not required. For power purposes they can be of comparatively small capacity provided high heads are secured. Irrigation, on the other hand, wants them of large capacity, and the heads need be sufficient only to carry water to the valley levels.

Finally, contrary to the usual belief, after the dams are built all the stored water cannot be used for the dual purpose of generating electricity and irrigating lands. For irrigation the water should be drawn from June to October. For power it is necessary to hold some of it through the fall and winter. Water stored in May, 1919, was necessary for power in March, 1920. Of all the water stored for power purposes in Northern California about one-third is released after the irrigation season has passed.

Here, then, is where a comprehensive plan for water power development is needed; to devise a scheme by which the joint interest of the two industries can be appraised, and to provide the machinery so they can be brought together to construct storage reservoirs on some basis which will consider the respective needs of both, the extent to which their interests are mutual, and the financial burden each should bear in developing those mutual interests.

It is not within the scope of this paper to suggest what that plan should be. But the advantages of a rapid and continuous development of the water resources, to the people of the State as a whole apart from those immediately concerned in irrigation and the electric power business, are great enough to indicate that the State itself should offer inducements for them to get together, first, by joining them in working out the proper plans, and afterward by lending its credit, under proper safe-guards, to forward the building of such projects as it may approve.

Present Activity in the Use of Water

By Charles H. Lee, President State Water Commission

MR. LEE: The State Water Commission is probably more intimately and comprehensively in touch with the use of water in its incipient and development stages than any other organization or official body of California. The act under which the commission operates has three main purposes in view:

1. To provide a system for public supervision of the initiation of new water rights, and their recording in a central office.

2. To provide a means whereby all water rights initiated prior to the enactment of the law (December 19, 1914) and necessarily uncertain in many important elements, such as amount, priority, etc., can be definitely ascertained and recorded.

3. To provide the necessary administrative machinery under which water in natural streams and lakes can be distributed to the various ditches or pumping projects entitled to its use; in other words, to provide police protection for valuable property rights in water where defined and recorded as provided by law. The detailed provisions necessary to perform this last function are yet to be provided by further legislation.

Under the first of these items, the act specifies that any one desiring to appropriate and make beneficial use of water for any purpose whether agriculture, power, mining or municipal shall make application to the State Water Commission, and that a diversion of unappropriated water not in accordance with the act is a trespass. There is therefore on file with the commission, a record of practically every proposed new use of water throughout the State, and as the applicant is required to submit a statement of pertinent data relative thereto, it is possible to compile some very interesting information regarding activity in the development of the water resources of the State. For convenience the data to be presented at this time has been prepared in the form of graphical diagrams which will be illustrated as lantern slides.

Approaching the general aspects of the subject first, Diagram No. 1 is presented showing the total number of applications for permit to appropriate water received monthly since the organization of the commission. This graph is remarkable in its accurate portrayal of the general business conditions in the State during the period covered and in particular the retarding effect of the war and the subsequent renewed activity on a scale greater than ever before. The present rate of filing

of applications is at the rate of sixty per month, and is almost twice that of the average of the preceding five years and is four times that at the period of the signing of the armistice. This activity is expressed in all classes of development, not only agricultural, but power and mining.

To convey some idea of the relative proportion of applications for various purposes, Diagram No. 2 has been prepared. This indicates clearly the preponderance in the number of agricultural applications, the relative proportions being as follows:

Agriculture	62%
Power	30%
Mining	6%
Municipal	2%

The reason for the greater number of agricultural applications is the fact that hydro-electric power is most economically developed in large amounts, while many of the agricultural applications are for small tracts of land in individual ownership.

Irrigation Development

To indicate in a tangible manner the magnitude of the present activity in irrigation development, Diagram No. 3 was prepared. This shows as a cumulative total the acreage for which applications for water have been filed each month since January, 1915. The total to date is 10,800,000 acres of which 6,270,000 acres, or 58 per cent, were received during the past eighteen months. On the right of the diagram is shown graphically the relation of the ultimately irrigable acreage of California for which there is water supply; the acreage irrigated up to January, 1915, and the acreage irrigated under permit from the State Water Commission. The total acreage for which permit to appropriate water is sought apparently already exceeds the acreage for which there is water. As a matter of fact, however, applications overlap or are for the same area in a number of instances, and some land has been designated which it is impracticable to irrigate.

Hydro-Electric Power Development

The great activity in hydro-electric power development is shown on Diagram No. 4. The same type of cumulative diagram as for acreage has been drawn, indicating the number of theoretical horse-power for which applications have been received monthly. The total to date since January, 1915, is 5,584,000 T. H. P., of which 4,484,000 T. H. P.

or 80% was filed since January, 1919. In other words, four times as much power development has been initiated in some form or other during the past eighteen months as during the previous four years. Incidentally it may be stated that during July immediately following the organization of the Federal Water Power Commission applications were received for 660,000 T. H. P., or more than twice the existing development.

It is to be observed that with a total ultimate development of 9,250,000 T. H. P. in the State, approximately 1,136,000 T. H. P. has now been developed, and that there are at present pending before the Water Commission applications aggregating 5,404,000 T. H. P., or almost five times that already developed and 58% of the ultimate power development of the State. It is to be noted that in addition there are also several large power developments depending entirely upon riparian rights, which would swell these figures if included.

Storage Development Necessary

One of the most surprising evidences of activity in irrigation development is the situation in the Sacramento Valley. The Sacramento River, which has in the past been generally considered as inexhaustible, has suddenly within three years been subjected to such active demand for irrigation of new land that the limit of its summer flow has been reached even in normal years, and further development must depend upon storage to provide water during the latter part of the irrigation season.

The facts are well shown on Diagram No. 5, which represents the daily flow of the Sacramento River and all tributaries in wet, normal and dry years. Water rights to appropriate and divert, which to date have been more or less established, are indicated by the shaded band at the base of the diagram. The total is nearly as great as the normal summer flow of the stream. The applications now pending before the commission, all of which have been received since June, 1919, total 20,000 cubic feet per second, which is an amount two and a half times as great as the normal summer flow. Most of these pending applications have such late priorities that storage will be necessary to provide a full season's supply.

The volume of storage required to complete the season's supply for applications now pending is 3,500,000 acre feet. This volume is twelve times the capacity of Lake Almanor of the Great Western Power Company, and five times that of the proposed Iron Canyon reservoir

on the Sacramento River, and more than twice the combined capacity of the Iron Canyon and Fall River Valley reservoirs.

The Sacramento Valley is therefore faced with the unescapable fact that further development must be retarded until storage reservoirs are provided. This does not simply mean that storage is necessary to assist in the solution of the problem of encroaching salinity in the delta, but that for any further material increase in the irrigated area for crops requiring summer irrigation, there must be storage provided.

Similar conditions regarding storage exist on all of the large streams of the State, among which may be mentioned Kings River, Kern River, Merced River, Tuolumne River, Feather River, Owens River, Pit River, and even Klamath River.

Problems Arising from Increased Development

This increased activity, combined with a series of dry years, brings with it many problems which affect the public interest, not alone of communities depending upon a common source of water supply, such as the Sacramento River, but of the State as a whole. The proper solution of these problems is of vital importance if a balanced and permanent progress is to be made and the future prosperity of the State assured.

Among the important problems is the conflict in interest between power and irrigation which often occurs. There are three types of streams, with respect to the location of power sites and agricultural lands. Natural power sites may be located entirely above points of diversion for agricultural use, as on San Joaquin and Kings Rivers; they may be partially above and partially within the vertical range of elevation of direct diversion for agriculture, as on the American and Yuba Rivers; or they may be below points of direct diversion or storage for agricultural use, as on the Pit and Klamath Rivers. The conflicts which may arise where natural power sites are above points of diversion for agricultrual use are usually due to abnormal and superimposed fluctuations of stream flow resulting from power plant operating conditions. These difficulties are usually capable of physical remedy without unreasonable expense or change of plans if given careful study beforehand. Where power sites by-pass, or are below points of diversion or storage for agricultural use, the difficulties of adjustment are greater, particularly where agricultural development is actively in progress. The Water Commission Act affords opportunity for the adjustment of divergent interests between power and irrigation, except

where riparian rights are depended upon, and special study is being given this subject in connection with the many power applications now before the commission.

Another problem, the prompt solution of which will have even greater effect upon the future prosperity of the State, is the securing of legislation which will complete the Water Commission Act and provide for public distribution of water from natural streams and lakes and of released storage water, in accordance with defined water rights. This function is now exercised by the State Engineer or a water board in all irrigation States, with the exception of Montana and California, and has been practised in Colorado for forty years. The past three dry years, with water shortages on many streams, and the proposed construction of storage reservoirs at a distance from the point of use, requiring the release of water into natural stream channels for transmission, have recently brought this matter to the attention of water users throughout the State. It is obvious that to construct reservoirs at a distance from the land to be irrigated there must be State supervision of storage and policing of streams, for otherwise the release of water would surely lead to litigation. It is believed that with a clear understanding on the part of water users of the purpose of water distribution legislation and of the functions of water masters, that there will be active support of any well conceived measure introduced at the next session of the Legislature covering this phase of future development.

There are also other important problems which could be commented upon, but the scope of this paper and the time available forbid further discussion.

Financing of Our Water Power Resources

By A. T. Brock, National City Company

MR. BROCK (Read by Robert W. Cross): The papers that have been read this evening have convincingly stated the need for an early development of our water power resources. One point remains to be considered—"How to get the money with which to finance this much needed development."

In his paper, Mr. Downing pointed out that this financing is one of the greatest problems confronting the electric companies to-day. The president of our State Railroad Commission has gone so far as to say that this is the biggest single problem which our public utilities are called upon to solve. That a similar difficulty faces the agricultural and irrigation interests is evidenced by Mr. Adams' remarks.

The present situation is brought about primarily by the unprecedented growth of California and the West, and so far as the electric companies are concerned, is augmented by the present scarcity and high cost of fuel, with the prospect of increasingly higher costs in the future. Accordingly, power sites heretofore well known but not considered practical from a commercial standpoint, are now considered for development on a large scale. Various amounts have been stated as necessary to carry on this development to meet actual requirements during the next ten years. Mr. Downing makes a conservative estimate of forty to fifty million dollars a year for California alone, while Mr. Adams believes that from seven to ten million dollars per year additional will be required for irrigation development. If we cite six hundred million dollars as the amount which must be raised for the development of our water resources during the next ten years, we will be probably under, rather than over, the true figure. This is a vast sum of money, and in order that it may be secured within the time required, and at reasonable rates, three points must be carefully considered. First: there must be created by means of an extensive educational campaign, an active demand among investors for the securities of sound water power companies, not only because of their intrinsic merit as investments, but also because the future development of the West is bound up in the adequate financing of these projects. Second: when issued, these securities must be placed in the hands of permanent investors, preferably by wide distribution, in small blocks. Third: as six hundred million dollars, or any similar sum, is too much for this State to raise alone, when all of its other important agricultural,

commercial and industrial activities awaiting development are considered, a primary market for these securities must be developed in the East.

Taking up the first point, namely, the creation of an active demand for water power securities among investors, it is interesting to note that several months ago there was begun in this State, in a small way, a campaign of education which endeavored to point out to investors the self interest involved in the purchase of hydro-electric securities. An instance may be cited of the way this self interest appeal was brought home to the average citizen. It was shown that in a certain district two thousand applications for power for farm development could not be supplied, due to insufficient power installation. Investigation showed that the average home in this farming community had a value of five thousand dollars. It was thus demonstrated that ten million dollars in construction work was being delayed due to the inability of the power company to furnish power. Carrying the argument a step further, it was possible to show the carpenter, the plasterer, the material man and merchant just what each was losing by the delay in this construction program. This campaign has undoubtedly been of great benefit not only to the hydro-electric companies which inaugurated it, but to other companies as well. Similar campaigns have been made from time to time, but as yet no organized state-wide effort has been launched. The time is ripe for the undertaking of a comprehensive campaign, to be backed not only by the hydro-electric companies, but by the various State commissions, and by all other public bodies, including chambers of commerce, boards of trade and similar organizations. The meeting this evening is a step in that direction, and it is highly proper because of its past activities, that the Commonwealth Club should be one of the leaders in this campaign of education. As a part of this campaign, the public should be brought to realize that a liberal attitude on the part of our State commissions in fixing rates will eventually result in much lower rates to consumers than could otherwise be obtained. Some constructive suggestions along this line have recently been made by Mr. Edwin O. Edgerton, president of the California Railroad commission. This commission has found a valuation for most of our larger hydro-electric companies and has established a base rate which enables automatic changes to be made from existing rates to suit both the upward and downward costs of labor and material. Mr. Edgerton proposes that the commission shall go a step further and establish and recognize

a sound issue of securities, and thereafter fix rates based on the bond interest and dividend requirements of those securities. Thereafter by the establishment of a cash reserve fund to take care of the up and downs in business in different years, it would be possible to give the utmost assurance to the investor that interest on all securities and dividends on all stocks sold to the public would be promptly paid when due. By adopting such a course the securities of hydro-electric companies in California would occupy a preferred position throughout the country, and the saving of interest in marketing their securities would ultimately permit a much lower rate to the consumer than could otherwise be obtained.

A further point which may well be impressed upon the investor lies in the fact that the water power industry having only just started in this larger development, is now creating securities which will constantly increase in intrinsic value as the equities back of them are strengthened. This is apparent from the fact that the securities now issued will either underlie issues in the future, or will have their equities measurably increased by the provisions of the mortgages requiring that not to exceed 65 to 75 per cent of the money needed for capital expenditures may be obtained from the sale of bonds, and that the remaining 25 to 35 per cent must be provided from earnings, the sale of preferred stock, and other secondary financing.

Assuming that our investors have been brought face to face with the need for additional water power development and the intrinsic value of conservative securities, the question of the proper distribution of these securities remains to be considered, for only by proper distribution can their market position be maintained. Perhaps not enough thought has been given to this point by the companies themselves. In order to maintain the best market position for the securities of any company, they should be widely distributed by the investment bankers, preferably in small blocks of from one to five thousand dollars. The results of distribution of this character are readily apparent. Most of these small investors buy the securities for permanent investment and they do not come back on the market. In case some do desire to sell, they come back on the market in such small blocks that they are readily absorbed by one part of the country in case there is a temporary depression in some other part of the country. Whereas, on the other hand, if securities are sold in blocks of from one hundred thousand to five hundred thousand dollars, one or more of these blocks may be forced on the market, and without any lessening in the intrinsic value

of the securities, the market price may go off five or six points, or a condition may be reached where there is practically no market; and if at this time it is necessary for the company to do some financing, it must either postpone a very essential development, or finance on short term notes, which is of course a very expensive operation.

This brings us to the point of the creation of an Eastern market. It has been the practice heretofore of our California hydro-electric companies to scramble for the easiest and best market for their securities. This naturally has been the California market. It has been made the primary market. If this practice is continued there will be a time soon—if it has not already arrived—when the California market will be saturated with these securities and it will be necessary to go to the East for money with the market for these securities in an extremely weakened position. It is evident, therefore, that the primary market for California water power securities should be in the East, and our secondary or supporting market should be in California. This can only be accomplished if there be included in the groups of investment bankers purchasing these issues a sufficient amount of distributing ability in the East to secure the sale of the maximum amount of securities on that market. Investment bankers with national distribution fully appreciate the value of market position and the assistance this renders in building up a price commensurate with the intrinsic value of the securities; consequently, in distributing a large issue of bonds, these national investment houses usually make a definite allotment to their various branches, in order that the distribution may be nation-wide, and in small blocks, if possible; distribution in this manner being considered quite as valuable as actual sale of the securities.

In creating a primary market for these securities in the East, undoubtedly every local investment banker will fully co-operate, as there will at all times be an ample supply of bonds for the California market, even if we are successful beyond our greatest expectation in creating a wide Eastern market; in fact, co-operation by the California investment banker is not only necessary but desirable from his standpoint, in order to assist him in marketing the maximum amount of bonds which the local market will absorb.

To summarize, the greatest degree of demand must be created by a constant and extensive educational campaign among local investors for sound securities, in order to form a strong secondary and supporting market. This will assure a healthy, active market condition at all times. The result will be an increasing demand for our water power

securities in the Eastern market, which will further tend to strengthen their position there and enable our companies at all times to secure the funds needed to meet the requirements of their consumers.

THE PRESIDENT: We still have a few moments left before the time of adjournment, and the subject of the evening is now before the Club for discussion or action.

Remarks by E. B. Bumsted

MR. BUMSTED: In the papers just presented there has been brought out two matters in which it is believed this Section may render some assistance in the way of drafting bills to present to the Legislature. The matters referred to are the extension of the activities of the State Water Commission to enable it to police and distribute equitably the waters of the State and to secure adequate funds therefor, and the other is to provide the State Engineering Department with additional funds to carry on its work of investigating the entire water resources of the State. With this in view we desire to obtain the sense of the meeting to-night and have framed the following resolution, which we will ask you to pass if it meets your approval, so that we may proceed further with this work:

RESOLVED, that it is the sense of the Club that the Section on Water Power be empowered to submit to the Board of Governors for their approval suitable drafts of bills embodying their recommendations in regard to extending the work of the State Water Commission, and also in regard to appropriating additional funds to enable the State Engineering Department to make a broader engineering investigation of the water resources of the State.

We offer the resolution for consideration.

Action by Club Meeting

THE PRESIDENT: If I may make a suggestion before that is put: Instead of saying "Be empowered"—for the Section has the power—that it be requested to do so.

With that change, is that resolution seconded?

MR. E. F. ADAMS: I second the motion.

MR. FRANK ADAMS: May I informally move to amend so that the motion will include a request to the Section on Irrigation to take the same action, since that Section has the same thing in mind, and this is the only opportunity we have of presenting it to the meeting.

THE PRESIDENT: Are you in favor of the amendment?

MR. BUMSTED: Yes.

(The motion as amended was formally presented and carried, and the meeting adjourned.)

Summary of Data

Charts to Accompany Preceding Reports

Charts were used to accompany the presentation of each of the papers at the Club meeting. There was necessarily some duplication in the data thus presented. In the publication it has therefore been arranged that the charts shall be presented together as a summary of the data applicable to all the papers presented in the preceding pages.

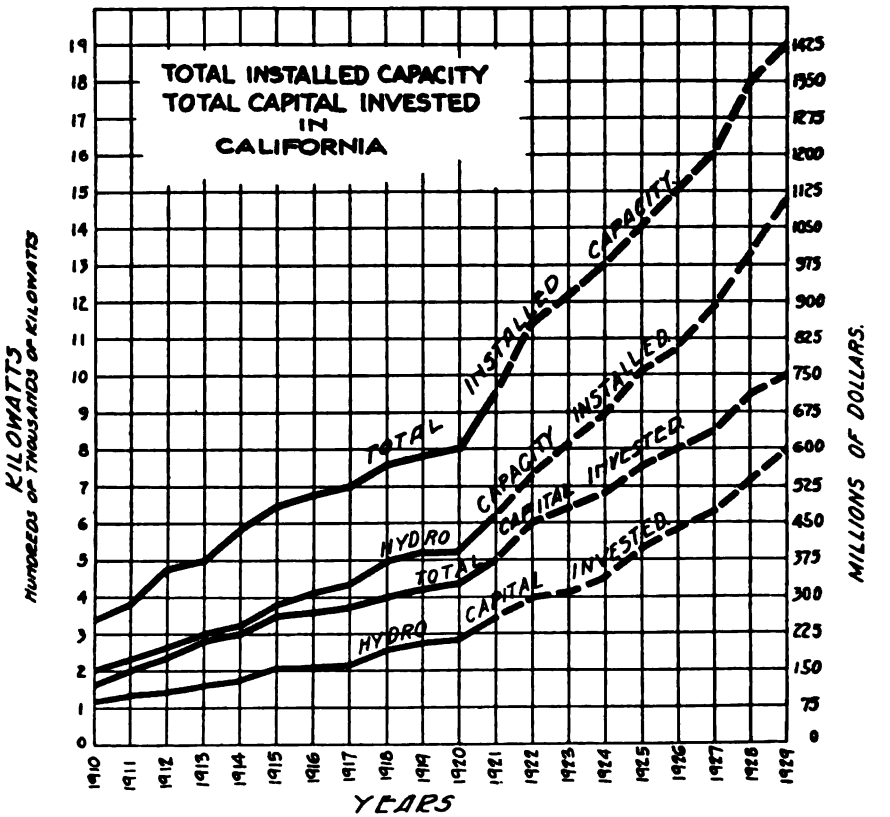


Chart I.

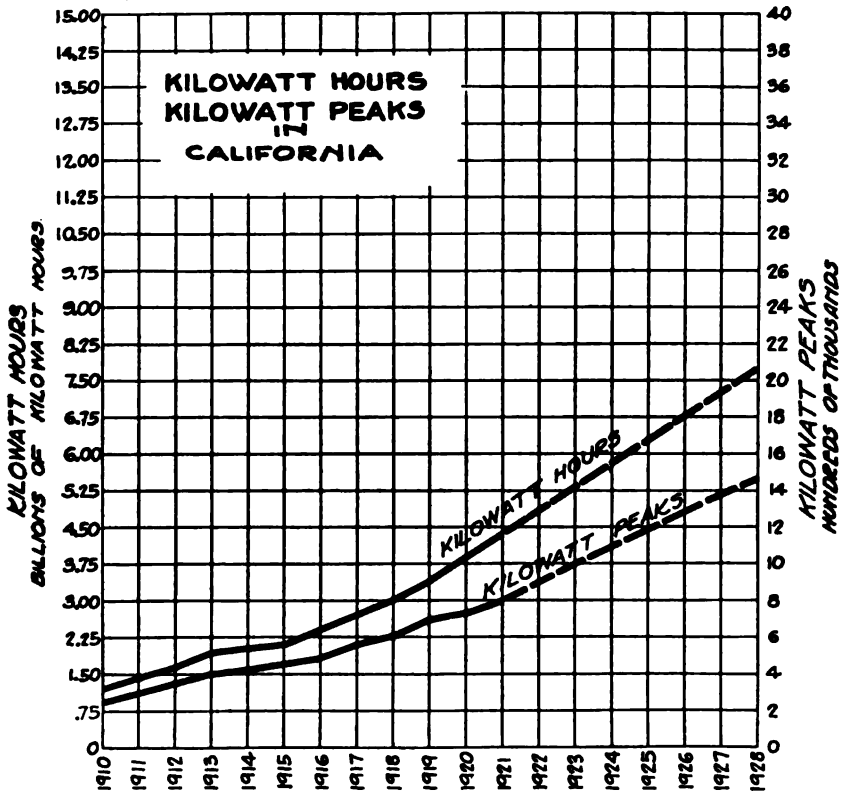

KILOWATT HOURS
KILOWATT PEAKS
IN
CALIFORNIA
KILOWATT HOURS
BILLIONS OF KILOWATT HOURS
KILOWATT PEAKS
HUNDREDS OF THOUSANDS
KILOWATT HOURS
KILOWATT PEAKS
15.00
14.25
13.50
12.75
12.00
11.25
10.50
9.75
9.00
8.25
7.50
6.75
6.00
5.25
4.50
3.75
3.00
2.25
1.50
.75
0
40
38
36
34
32
30
28
26
24
22
20
18
16
14
12
10
8
6
4
2
0
1910
1911
1912
1913
1914
1915
1916
1917
1918
1919
1920
1921
1922
1923
1924
1925
1926
1927
1928

Chart II.

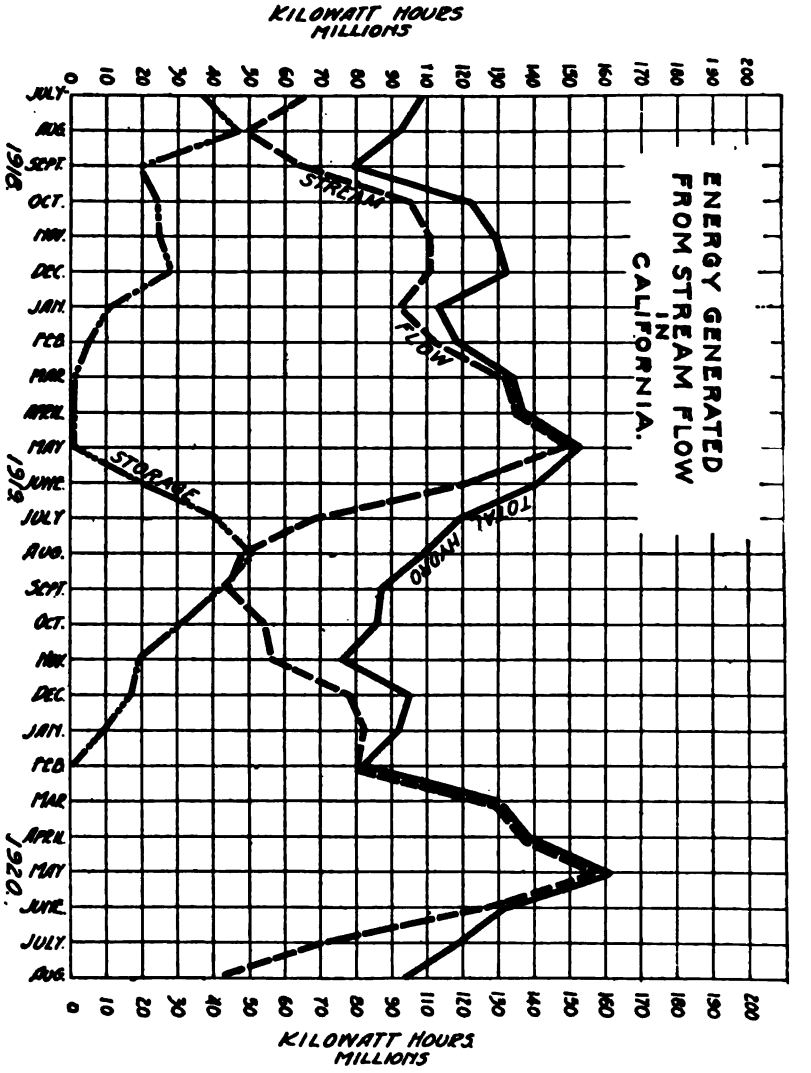

KILOWATT HOURS
MILLIONS
ENERGY GENERATED
FROM STREAM FLOW
IN
CALIFORNIA.
STREAM FLOW
STORAGE
TOTAL HYDRO
1918
1919
1920
JULY
AUG.
SEPT.
OCT.
NOV.
DEC.
JAN.
FEB.
MAR.
APRIL
MAY
JUNE
JULY
AUG.
SEPT.
OCT.
NOV.
DEC.
JAN.
FEB.
MAR.
APRIL
MAY
JUNE
JULY
AUG.
0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200
KILOWATT HOURS
MILLIONS

Chart III.

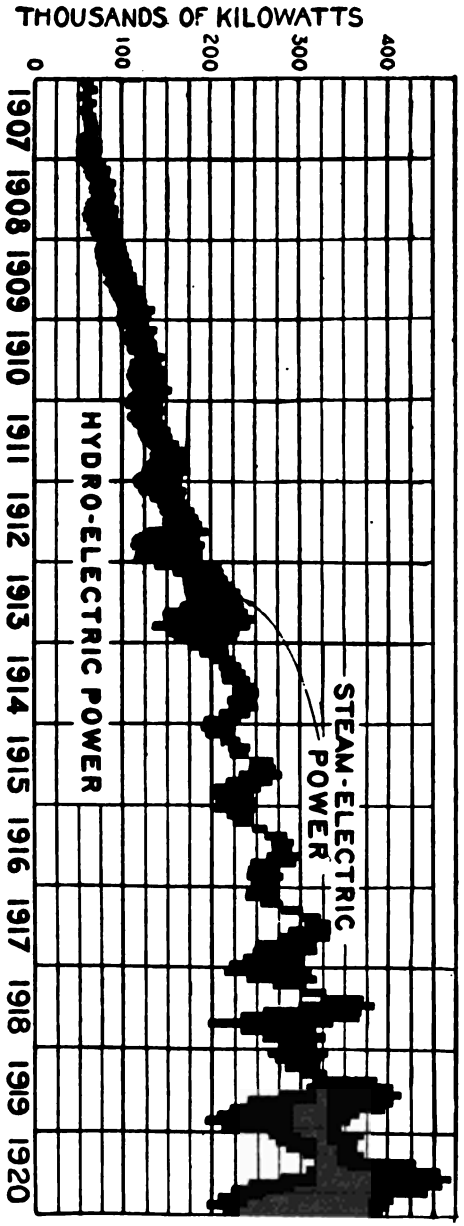


Chart of the mean monthly loads on California hydroelectric systems, showing the hydroelectric power produced and the production of steam plants. The increase of output during the summer months is due mainly to the increased use of power for irrigation pumping.

Chart IV.

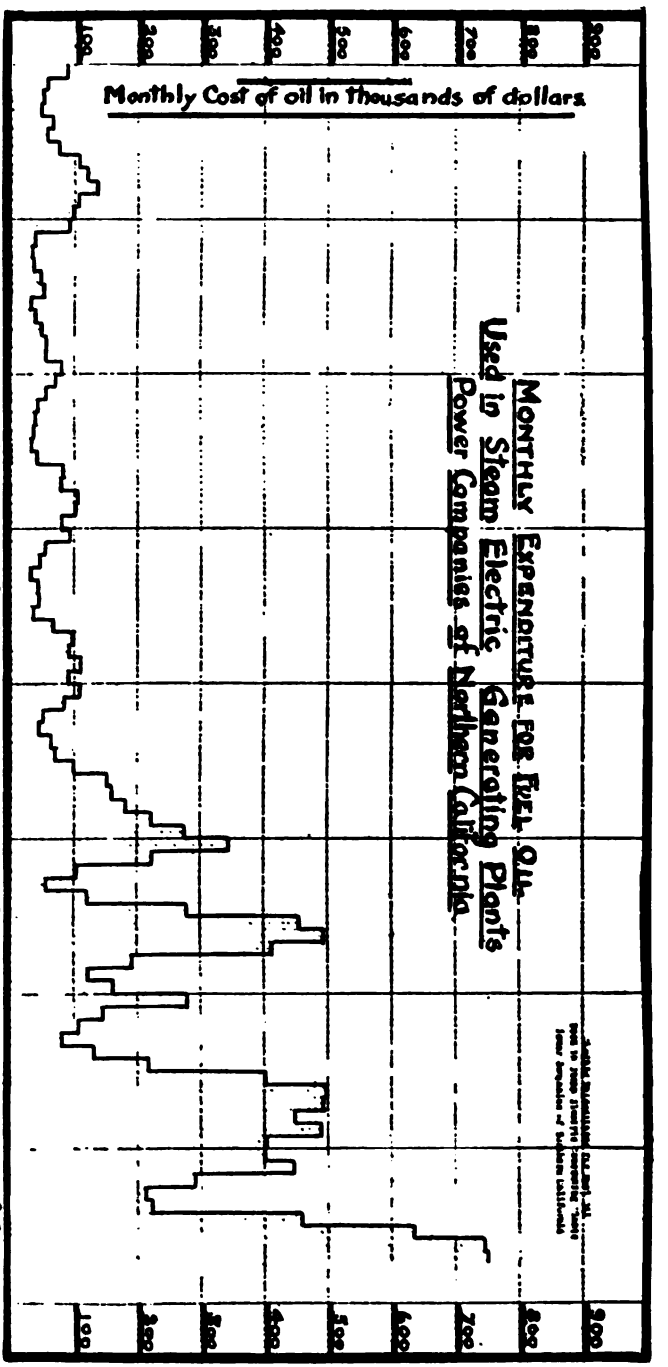
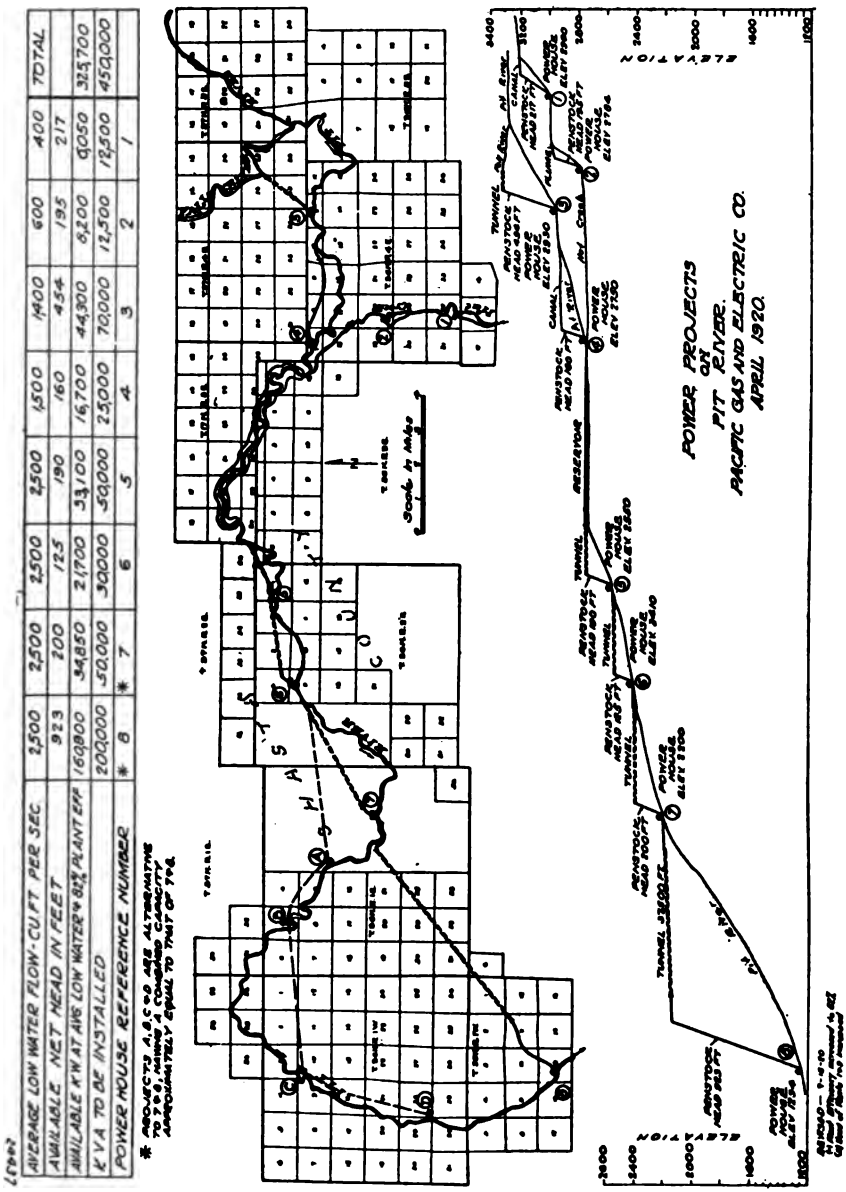

Monthly Expenditure for Fuel Oil
Used in Steam Electric Generating Plants
Power Companies of Northern California
Monthly Cost of oil in thousands of dollars
100
200
300
400
500
600
700
800
900
1913
1914
1915
1916
1917
1918
1919
1920

Chart V.



AVERAGE LOW WATER FLOW-CU.FT PER SEC.	2,500	2,500	2,500	2,500	1,500	1,400	600	400	TOTAL
AVAILABLE NET HEAD IN FEET	923	200	125	190	160	454	195	217	
AVAILABLE K.W. AT AVG. LOW WATER @ 82% PLANT EFF.	160,800	34,850	21,700	33,100	16,700	44,300	8,200	9,050	325,700
K.V.A. TO BE INSTALLED	200,000	50,000	30,000	50,000	25,000	70,000	12,500	12,500	450,000
POWER HOUSE REFERENCE NUMBER	* 8	* 7	6	5	4	3	2	1	

* PROJECTS A, B, C & D ARE ALTERNATIVE TO 7 & 8, HAVING A COMBINED CAPACITY APPROXIMATELY EQUAL TO THAT OF 7 & 8.

Chart VI.

Power House No. 2
Power House No. 5
Power House No. 6
Power House No. 7
Middle Fork
HYDROELECTRIC DEVELOPMENT
BY THE
GREAT WESTERN POWER COMPANY
OF CALIFORNIA
OROVILLE

Chart VII.

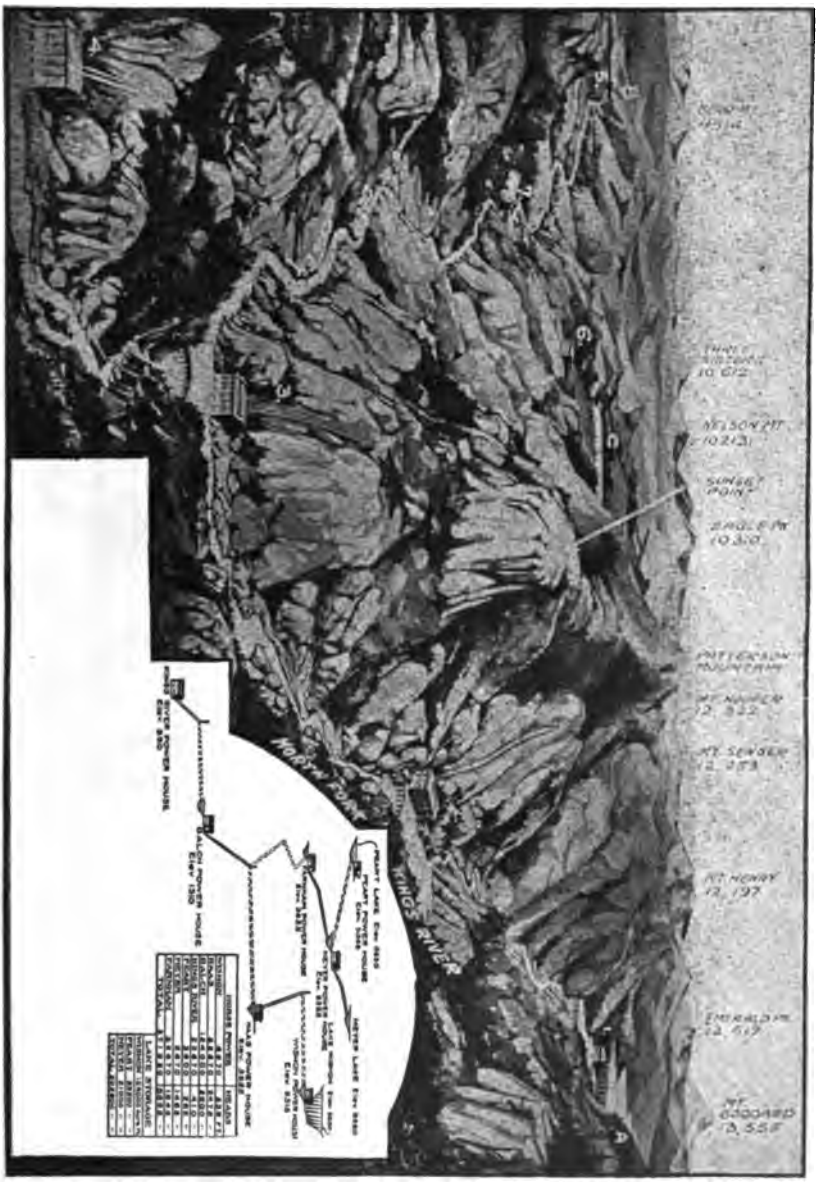


Chart VIII.

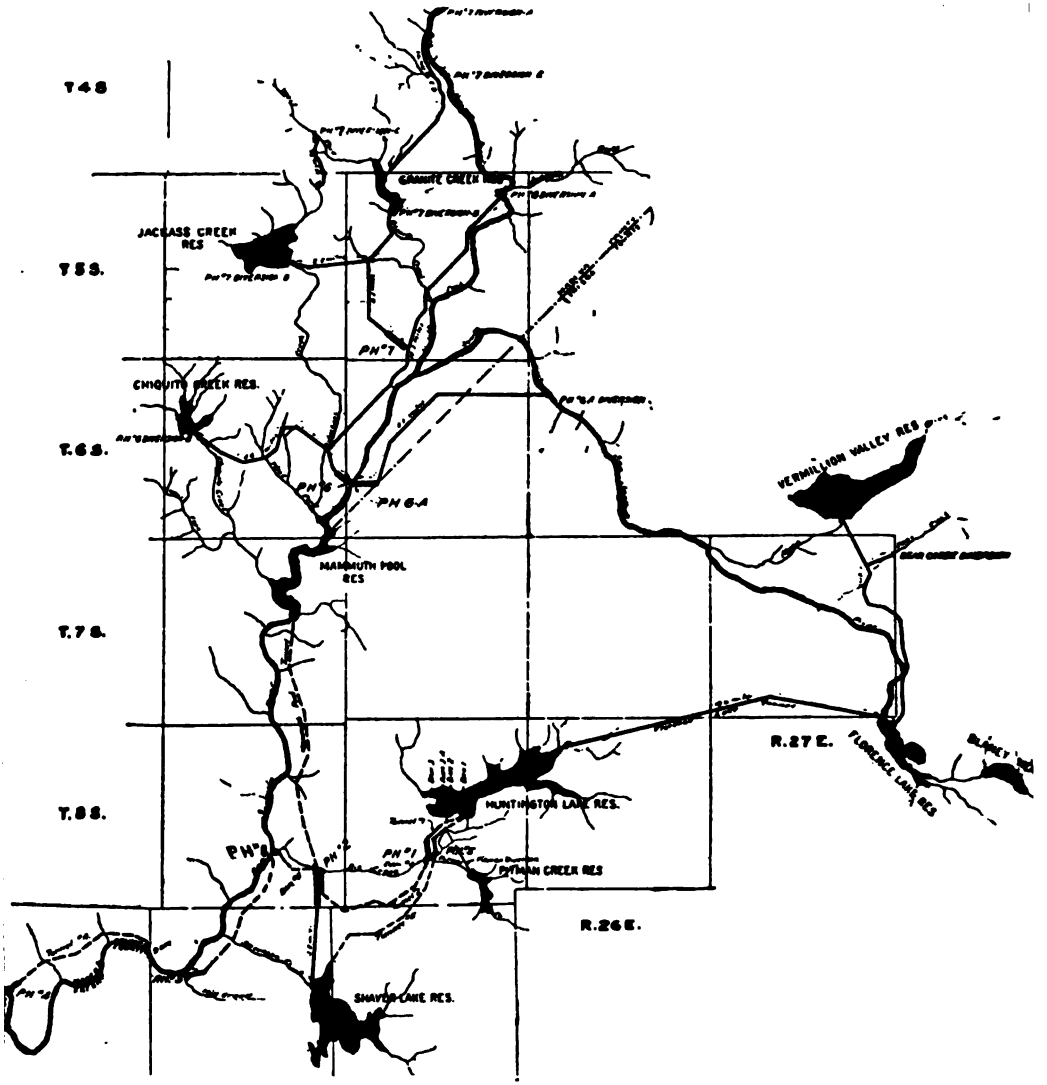
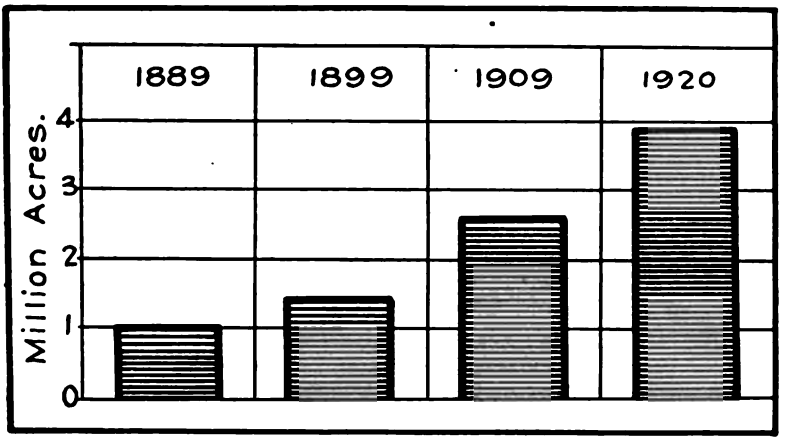
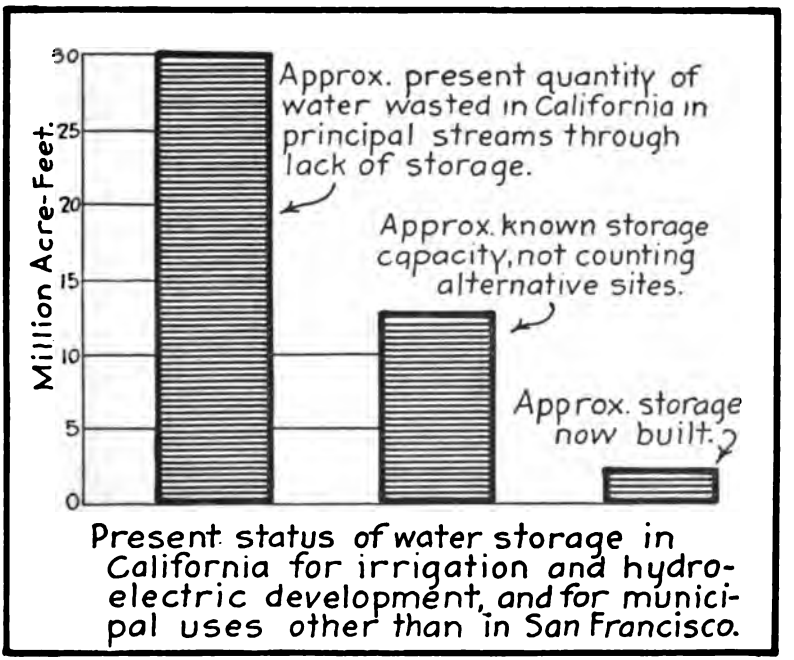

T.4 S.
T.5 S.
T.6 S.
T.7 S.
T.8 S.
R.27 E.
R.26 E.
JACKASS CREEK RES
CHIQUITO CREEK RES.
MAMMOTH POOL RES
VERMILION VALLEY RES
HUNTINGTON LAKE RES.
PYTHIAN CREEK RES
SHAVER LAKE RES.
FLORENCE LAKE RES
PH 6-A

Chart IX.



Area Irrigated in California, by decades.

Chart X.



Present status of water storage in California for irrigation and hydro-electric development, and for municipal uses other than in San Francisco.

Chart XI.

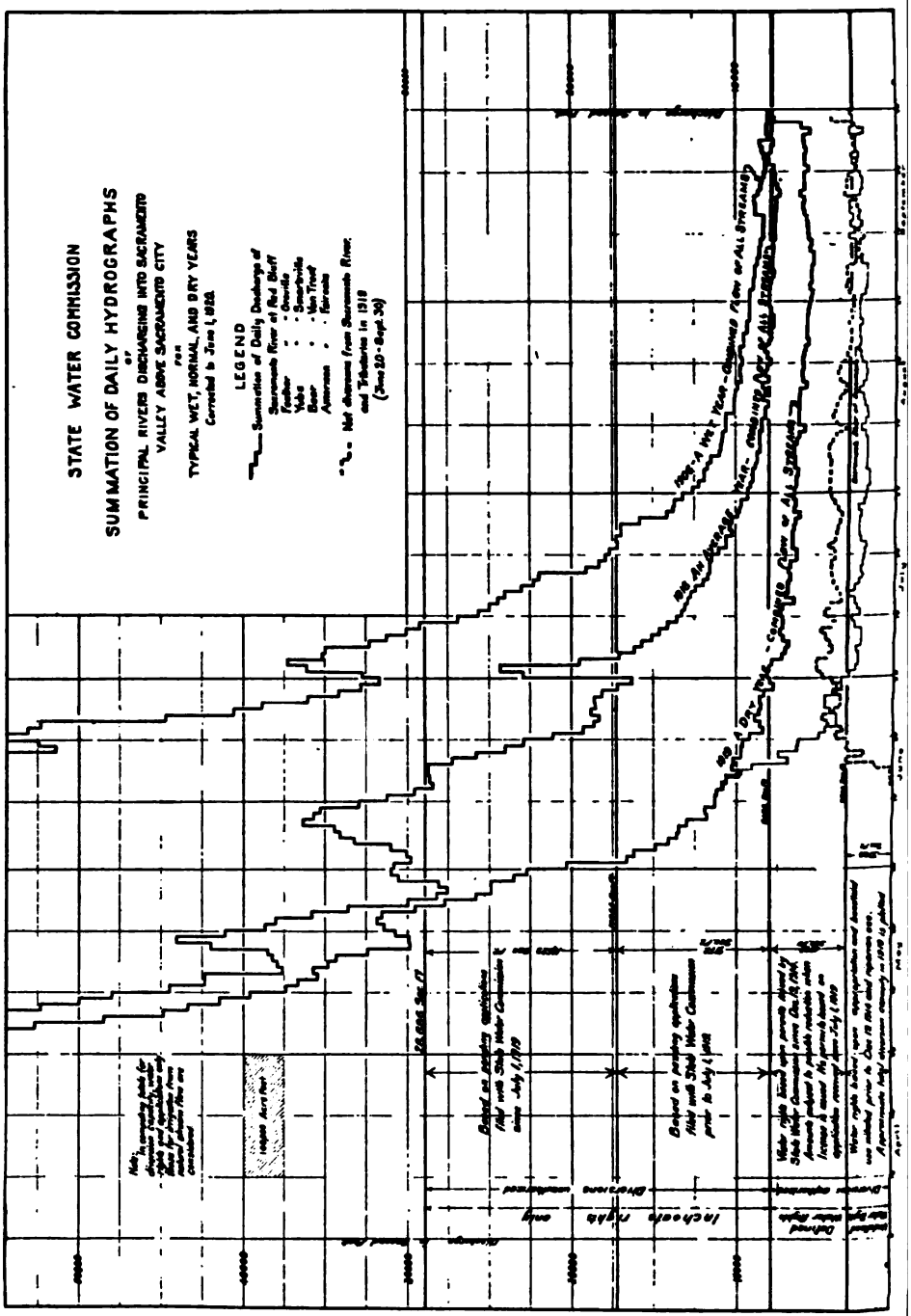

STATE WATER COMMISSION
SUMMATION OF DAILY HYDROGRAPHS
OF
PRINCIPAL RIVERS DISCHARGING INTO SACRAMENTO
VALLEY ABOVE SACRAMENTO CITY
FOR
TYPICAL WET, NORMAL, AND DRY YEARS
LEGEND
Summation of Daily Discharge of Sacramento River at Red Bluff
Feather " " Oroville
Yuba " " Smartville
Bear " " Van Trout
American " " Fairoaks
Not diversions from Sacramento River and Tributaries in 1919 (June 20 - Sept. 30)
Incoats rights only

Chart XII.

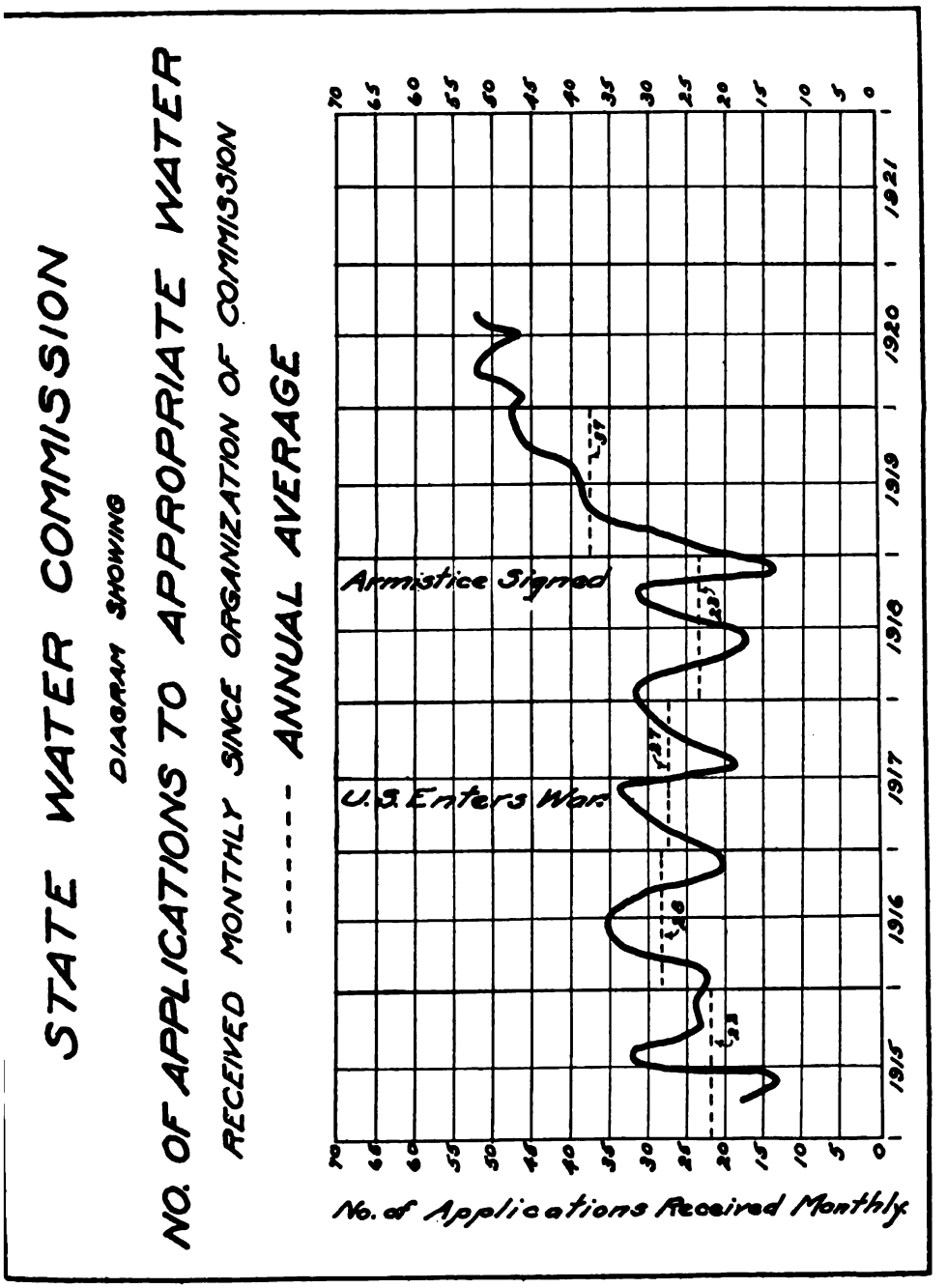

STATE WATER COMMISSION
DIAGRAM SHOWING
NO. OF APPLICATIONS TO APPROPRIATE WATER
RECEIVED MONTHLY SINCE ORGANIZATION OF COMMISSION
------ ANNUAL AVERAGE
Armistice Signed
U.S. Enters War
No. of Applications Received Monthly
70
65
60
55
50
45
40
35
30
25
20
15
10
5
0
1915
1916
1917
1918
1919
1920
1921

Chart XIII.

APPENDIX

The Fuel Oil Situation

Delivered by D. M. Folsom before the Commonwealth Club Luncheon of October 22, 1920

MR. FOLSOM: The fuel oil situation on the Pacific Coast can be viewed from three angles: Either from the viewpoint of the men within the oil industry itself; or from the standpoint of the direct consumer, who in a sense corresponds to the middleman of other industries; or from the position of the great group of indirect consumers who make up the entire Pacific Coast community.

The first two groups have from their viewpoint a relatively short perspective. The question of immediate supply and demand, the success or failure of developments in new fields, the decline in field storage, and the price, seem of prime importance.

The third group is separated by a greater distance from the actual operations of the industry. From this longer perspective the questions of conservation and of future supply appear as the real problem.

To illustrate this difference in perspective: On the day when Mr. Bentley asked me to talk to the Commonwealth Club on this subject, I met on the street a friend whose entire business career has been spent in the oil industry. When I explained to him what I had promised, and asked his advice, his only remark was, "Well, wait until the morning before the luncheon. This oil business changes so fast that anything you think of now to say will be out of date by the time of the meeting." This remark, I think, is typical of the attitude of the men who are directly concerned, either with the marketing or the utilization of oil.

The petroleum market has always been peculiarly sensitive to the law of "supply and demand." The reason for this is the uncertainty as to supply. Oil underground cannot be definitely measured, and the quantity above ground is always limited to a few weeks' supply.

The continuation of production is possible only by a repeated attempt on the part of the producer to develop new fields, an attempt which involves a continuous gamble.

The necessity for the development of new fields lies in the history of individual wells, and the composite history of groups of wells.

For example: A new well usually produces more oil in the first month of its life than in any subsequent month; and, while many California wells have had a life of over twenty years, roughly speaking

one-third of their output came from the first year. This means that the production of any given property, or in the State as a whole, can be maintained only by drilling new wells. At present there are 9,400 producing wells in the State, and the problem of keeping production at a level involves a strenuous campaign.

On an average, the number of wells must be increased 8% to 10% per year to maintain production. Furthermore, as territory is drilled, the gas pressure on the sands is released, and wells come in with smaller initial flow than in the early history of the district.

As a result, fields follow the same course as individual wells, and, after reaching a peak, begin to decline in output. The records of the older fields are especially significant. Kern River field has declined from over 50,000 barrels per day in 1903 to 20,000 barrels per day now; McKittrick from nearly 20,000 to less than 8,000; Midway-Sunset from a peak of 150,000 in 1914 to 80,000; Santa Maria from 28,000 in 1910 to 16,000. The Whittier-Fullerton district is the only one which has recently increased, and this district apparently reached its peak last year.

This illustrates the difficulty which the State faces in maintaining production. Just as new wells must be drilled on an individual property, so new fields must be found from which flush production can be obtained. So far we have been fortunate in discovering new fields at critical times. In 1917, when our shortage was running 1,000,000 barrels per month, the Montebello field was discovered, and this field alone made up the shortage. Last year, when the peak of the Montebello production was reached, the Richfield district came in, adding new production. Finally, this year, the east end of the Elk Hills was developed.

To show the importance of new fields: Seven producing wells in Elk Hills yield 30,000 barrels per day as against 20,000 barrels per day from 2,100 wells in the old Kern River field.

This is the rosy side of the picture, but against it we must consider that there is only a limited area in California which has even a possibility for oil; and each month sees some portion of that area tested and condemned by failure of wild-cat wells.

The monthly reports of the State Mining Bureau show clearly that there is more drilling in the State to-day than ever before; and detailed study of the new locations shows that every possible effort is being made, both to maintain production and to find new fields.

The gamble in the oil industry is well recognized—but enterprises founded on the assumption of a reliable supply of cheap fuel are sharing in the gamble without wholly realizing their risk.

The immediate situation will always be critical, both for the producer and for the consumer. To them, oil is a commodity which is bought and sold on a daily market; and the pendulum of the market may swing rapidly from one side to the other.

The community gets the echo of this phase of the situation but is not immediately concerned with oil as a commodity, nor with the fluctuations in storage and in price, nor with the gamble involved in the attempt of the oil companies to perpetuate their output of crude oil.

The indirect consumer recognizes oil only in the form of transportation service, or in the form of a product manufactured through the use of oil. The situation does not change from day to day and from week to week. From his standpoint it follows a steady course, becoming constantly more critical.

The real interest of the community is, therefore, in a future supply of energy for the maintenance and expansion of Pacific Coast industries and transportation facilities.

At present, the Coast is dependent upon oil for over 70% of the consumed heat and light and power; and oil production is not equal to the resulting demand. We have forced oil to carry more than its share of the burden of supplying energy, and the oil supply is no longer sufficient to carry this load.

That is the gist of the present situation. Consumption is overrunning production, and there is no prospect of new production sufficient to meet the growing demand. Furthermore, the increase in refinery output, to furnish an ample supply of gasoline, has reduced the proportion and quantity of fuel oil available from the crude output of the wells.

I do not like to quote figures, but without some data it is impossible to illustrate the situation. If we consider barrels of oil in terms of units of energy it may at least simplify the figures.

Take the present annual output of oil—100,000,000 barrels— as representing 100 units of energy. Then we have in the past twenty years consumed 1,200 units, and have as a reserve ahead of us underground 2,400 units; that is, a third of our visible supply of oil is exhausted. New fields may add somewhat to these estimated reserves, but the facts will still remain, that our supply has a limited life, and that the present rate of production cannot be long continued.

Now, as to the utilization of our one hundred units of energy available from annual production: The oil industry within itself uses eight units, and the products of our refineries— gasolines, distillates, and lubricants—account for seventeen more. This last represent the energy now consumed in automobiles, tractors, trucks, motor boats, and other internal combustion engines, which require high grade fuel.

Our fuel oil consumption each year equals eighty-five units, and we have had to draw on stocks to make up a deficit of ten units per year. In addition, we are facing from every side a rapidly increasing call for more energy. Not only do our present industries require additional oil, but new industries and new shipping are making insistent demands for fuel. Incidentally, the available amount of fuel oil in storage now is not over 10,000,000 barrels—equal to the amount of our annual shortage, that is, ten units of energy.

This is no artificial shortage which confronts the community. It is actual and immediate.

Think what this means in terms of the future! Here in California we have had deposited to our credit a great reserve, invaluable as a national resource, and unreplaceable when it is once withdrawn from the ground!

We have been living in a complicated industrial age, dependent upon transportation and manufacturing for our food and our clothing—and we have been forced to draw heavily on our reserves to meet our current needs. Instead of planning as a community to make the most of our resources, and to provide against their ultimate depletion, we have gone calmly ahead drawing on the bank without any idea as to where we shall turn when our drafts on nature are no longer honored.

Obviously, this condition must end. We cannot continue to burn more oil than we produce, and we cannot continue indefinitely to count on even our present production. There can be only one answer to the situation—some one who is burning oil to-day will have to use another source of energy to-morrow.

The real difficulty comes up when we try to decide which industries or what localities shall first give up oil. To attempt a priority list to give advantage to more essential use does not solve the question, as all consumption seems essential. For example: the eighty-five units of energy consumed each year are divided about as follows:

Railroads	34	units
Shipping, including Navy	16	"
Other Public Utilities	12	"
Metal, Lumber, Cement, and Chemical Industries	12	"
Food Industries	8	"
Heating	3	"

Roughly speaking, two-thirds of our fuel oil is used to provide energy for transportation, and upon this transportation we are dependent for our commercial existence. The Navy has demonstrated its absolute need for oil; the Shipping Board has publicly announced that they must have liquid fuel if they are to attempt competition with foreign boats; and the railroads, except to a limited extent in the Northwest, are absolutely dependent upon oil if they are to use fuel of any sort.

The public utilities use oil for the manufacture of artificial gas, and for the operation of auxiliary steam plants for the generation of electric power. During the past two years the power companies have been forced to carry a large part of their total load on oil, and even with increased hydro-electric development now under construction large quantities of oil will be required for stand-by service. There is no apparent chance to end the use of oil by public utilities.

The industries which are now developed in California, Oregon, and Washington, cannot safely be penalized by forcing them to more expensive fuel, especially when these industries are not adequate to make the Coast self-contained and commercially independent. To wipe out our manufacturing would only add to the transportation burden, and increase the use of oil in another direction.

There is no solution through the priority restriction, except in outlying districts where coal in some form is available, and to a great extent this geographical curtailment is already in effect. The copper mines in Arizona, Nevada, and Utah, and many of the varied industries in Washington and Oregon, have already been forced back to coal; but offsetting this deliberate restriction of outside consumption the natural increase in demand here at home has absorbed this saving and has kept total consumption above the rate of production.

To my mind, there are only two possible solutions to the energy problem of the Pacific Coast: First, through the development of our water power reserves, and the substitution of hydro-electric energy for the burning of oil wherever possible; and, second, through the installation of internal combustion engines in the place of boilers and steam engines.

These steps must be taken sooner or later, and further industrial development on this coast must wait on their completion. It is obvious that we cannot increase our production of raw materials, nor operate new factories, nor increase our shipping, unless we have increased motive power to carry on the work.

The program for increasing hydro-electric development is not simple to carry out. It requires both time and money. But, difficult as the program may be, it must be undertaken and completed, unless we, as a community, are willing to see our industries and our commerce decline for lack of power. Regardless of the cost in money, regardless of the labor involved, and of the machinery and of the quantity of copper wire required, the potential power in the streams of the Pacific Coast must be made available, and distributed to industries over a completely interconnected system of transmission lines.

It is not necessary here to consider the details of the substitution of one form of energy for another. In the end, hydro-electric power must replace oil on land, wherever it is possible to make the substitution. We cannot yet transmit electric current on sea, nor provide electric motive power for boats through storage, and oil must continue to be the natural source of energy for our shipping. In our boats, however, and on land wherever oil must be used, we must develop and install internal combustion engines in order to get efficiency in the use of our fuel, and in order to expand the available supply of oil to a point where to some degree it will be equal to the demand.

There is nothing new in the program which I have outlined. It has long been recognized by engineers that it was an economic crime to burn up our limited supply of fuel, and at the same time neglect to develop the inexhaustible power contained in our mountain streams; and it has been common knowledge that engines of the Diesel type would virtually increase our fuel supply by making one barrel of oil do the work of three.

The present policy of the Federal Government makes it possible for public utility companies to get permits for power development, and it is strictly up to the community to get behind such development in every possible way. The successful completion of a program of development and substitution of electric power requires more than engineering skill. It requires constructive work on the part of every organization interested in the welfare of the Coast.

The greatest difficulty in the way of the power companies in undertaking this development is the matter of finance. We have been too anxious in the past to get our energy cheaply. We have virtually demanded of our public utility commissions that the rates be regulated and kept at a minimum. Now, if we want power for the future some one will have to pay for it. If we do not pay to-day, we will have to

pay fourfold to-morrow, not only in actual money, but in loss of production and loss of trade consequent upon an actual power famine.

We must realize that the success of this program is vital to our prosperity, and that success can come only through the substantial encouragement of community support.

Comment by J. D. Galloway

MR. GALLOWAY: The lateness of the hour did not permit oral discussion of the foregoing papers, so the following is submitted as a written comment upon the subject:

Reasons for Power Shortage

None of the speakers examined in detail the causes why hydro-electric power development had not kept pace with the demand, yet it is obvious that if something in the past has kept back development the same will affect further progress unless changed. Any scheme for comprehensive development that will be effective can be outlined only after taking proper account of past conditions, favorable or unfavorable.

Two well defined reasons exist as an explanation of the failure to develop hydro-electric energy to keep pace with increasing demand. They are:

(1) The low price of oil, which has made it possible to produce electric energy at a cheaper rate than with water.
(2) The well defined opposition by the State and National Governments to any development by private interests of the water powers of the State. This has been expressed by restrictions in the use of lands and waters, uncertain tenure of any grant of rights, restrictions on revenue and complete prohibition to do business in some cases.

The first cause has by this time found its own remedy. The oil fields are being depleted, the price of oil has gone up, and steam-electric energy generated from oil fuel now costs more than hydro-electric energy. It must not, however, be thought that all of the steam plants are unnecessary and must be discarded. Much steam power is required as an emergency reserve against accidents and also to take peak loads that require a large amount of power for a short time only.

The second cause of lack of progress—governmental restriction—has remained in force up to the summer of this year, and although recently modified in the case of the Federal Government, remains as one of the deterrent factors retarding development of the water powers of the State. Any understanding of the situation is impossible unless the restrictions of the Government are appreciated. Any plan to

encourage future development must include the removal of practically all of the burdensome and unnecessary laws and rules that now affect the building of water power plants. To emphasize this condition of affairs the following exhibit of Governmental activities is set forth, together with suggested remedies:

(a) The diversion point of the water from the river for most Sierra Navada plants is located in the National forests. If the necessary maps and papers were filed, a right of way for reservoirs, ditches, transmission lines and other works could be obtained from the Secretary of Agriculture. This took the form of a permit granted for fifty years and revocable at any time at the discretion of the Secretary (Act of February 1st, 1905). It may be contended that such revocation of a permit would be unlikely, but reference can be made to the permit, granted the city of San Francisco by one Secretary of the Interior in the Yosemite National Park, which was promptly revoked by the next occupant in office. The city never felt secure until its rights were fortified by Congressional grant.

To correct the bad effects of the revocable permits, the Federal Water Power Act was passed. This permits the right to be given for fifty years, and can be cancelled only by definite provisions set forth in the law. While this is a step in the right direction, it is believed that a better procedure would be to have the Government follow the system of the public lands and sell to the power company the rights of way through National forests. There seems to be no reason why power companies should not be treated the same as railroads and farmers have been in the past, when rights of way or farm lands were sold in fee to individuals or corporations.

(b) Where any public land was occupied by the works of the power company, a permit, good for fifty years, was issued by the Secretary of the Interior, who could revoke it at his discretion. (Act of February 15th, 1901).

The same remarks under (a) apply to the permits formerly issued by the Secretary of the Interior, which are now changed to come under the Federal Water Power Act. The remedies suggested are the same as those applying to the lands in the National forests.

(c) Right to use the water of the streams is obtained on application from the State Water Commission, created in 1913, the control of non-navigable waters resting with the State. Under the law the State Water Commission will issue to an applicant a permit for water which is good while the works are being constructed but which is revocable

at the pleasure of the commission. This permit gives the right only during construction. After the works of the power company have been completed, application is again made to the commission for a license to use the water, which, if granted, continues indefinitely. The commission may, at its discretion, refuse the license, and all the power company has is a right to bring a lawsuit. After granting a license the commission may revoke it at any time and cause the company to cease business.

Under this law, power companies are compelled, if they desire to develop water power, to install works, costing in some cases twenty-five to fifty million dollars, upon a mere revocable permit from the commission that does not even carry the right to use the water after the works are completed. Other burdensome restrictions are imposed, such as obligatory sale of the works to a municipality after twenty years, or the right of another power company to enter into the same stream and to use part or all of the works of the company.

These clauses are probably more deterrent to power development than the National laws. The basic idea seems to be to allow power companies no rights except such as depend upon the transitory ideas of the Water Commission. This law should be amended so that while the control of water never passes from the State, any one securing a permit for its use should be guaranteed this right for at least fifty years, and longer if properly used. Right to the use of water should be given in advance of the construction of the works and not made contingent upon the approval of a commission after the works are built. All the clauses relating to sharing works constructed with another power company, or their obligatory sale to municipalities, should be eliminated.

(d) All power companies, as public service corporations, are under the jurisdiction of the Railroad Commission, formed under a law ratified by the people that, in a way, places it outside the State constitution. The commission has followed a course of restrictions of hydro-electric development that limits, so far as the settled portions of the State are concerned, such development to the power companies in existence at the time the commission was formed. Acting on the theory that since the commission regulates the rates paid by the public to the companies it must protect them against competition, the Railroad Commission has refused to allow any new companies to extend their lines and give service. This virtually amounts to prohibiting any new companies to do business in California. In addition, the commission has re-

fused in some cases to allow existing power companies to extend their lines into regions occupied by the lines of other companies. A case in point was that of the Oro Electric Corporation which had two small power plants in operation when the commission was formed, and served a territory in the neighborhood of Oroville. The company had secured lands and rights for extending its system and secured a franchise to serve the city of Stockton. It had in course of construction a power plant of 40,000 kilowatt capacity on the Feather River. The Railroad Commission refused to allow the company to extend its lines to Stockton and to serve the adjacent country; the company carried its case to the Supreme Court and lost. Later the company went into insolvency and its properties were sold to the Pacific Gas & Electric Corporation. Had that power plant been completed and placed in operation, it would have been of service during the war and would have saved some 9,000,000 barrels of oil that have been burned to supply the equivalent energy lost by wasting the water.

The commission has divided the State into a number of regions in which the several existing power companies may do business. In some cases these overlap, but there is no competition except in service, for rates are fixed. The effect has been to extinguish all competition and to give to the companies that happened to be in the field when the commission was formed a monopoly in their particular territory, protected by the State. On the other side, the hands of the commission has rested heavily on the power companies, largely through failure to recognize the actual value of their holdings. In the last few years the commission has been guided by a more liberal policy.

The clause in the law that allows the State Railroad Commission to prohibit any power company from extending its lines, or any new company from entering the field of business, should be entirely eliminated from the law. The commission should regulate the companies so as to secure good service at proper rates. Beyond this, competition should be encouraged as it secures low rates, better service and improvement in the art. There is no more reason why the State should give to power companies a monopoly of business than that it should do the same for clothing stores or any other form of activity.

The Railroad Commission, in the valuation of works already built for the purposes of fixing rates, should employ men who have had experience in the construction of power plants. As a rule, the works are located in the mountains, and unless the valuation engineer has had contact in a responsible position with the work of construction he

is unable to estimate costs properly. Without this experience, the engineer invariably under-estimates value.

Under-valuation of properties, with resulting low rates and diminished income, lowers the values of securities, deters capital and prevents development.

The two national departments and the two State commissions cited above all claim to have control in one form or another over the rates charged by the power companies. Under the Federal water power act and the State Water Commission act, charges are made for the permits based upon the electric power installed. These clauses should be entirely eliminated, as they are taxed under other laws such as the one in California that at present compels corporations to furnish money for all State expenditures. Any additional taxes in the form of charges for power developed merely adds another form of taxation, the bill for which is, in the end, paid by the consumer. The clauses in the laws that give Federal departments or the State Water Commission control over rates should be eliminated because the subject of fixing rates is covered entirely by the State Railroad Commission.

The suggestion as to changes in existing laws are made for the purpose of securing greater stability for investments which are necessary in the construction of works. Capital will not invest when two, or possibly three, commissions can revoke licenses or permits upon which the existence of the company depends. It will also keep away from places where it lies within the power of political commissions to restrict or inhibit the business. The only capital which can be attracted to such a place is that which comes to companies already in the field, which have a monopoly. If these burdensome restrictions are not removed and a more enlightened policy adopted for encouraging extension and development of hydro-electric plants by both new companies and old ones, hydro-electric development in California will continue to languish.

Meeting of December 16, 1920

Remarks by President Grunsky

THE PRESIDENT: We are now ready to take up the recommendations that have been made to the Commonwealth Club by your sections on water power and irrigation. The policies that have been recommended by the two sections will be found printed in the notice of the call for this meeting. I will ask Mr. Bumsted to present these matters.

MR. BUMSTED: I think Mr. Frank Adams would be better prepared to speak on this question.

MR. FRANK ADAMS: Would it be in order for the Secretary to read the statement of recommendations as printed in the notice?

THE PRESIDENT: There will be no objection to that at all.

Text of Recommendations

THE EXECUTIVE SECRETARY: The resolution of the Club in October authorized the sections on water power and irrigation to prepare certain statements in regard to appropriating additional funds for water investigation, which were prepared in the following forms:

(1) A bill to amend the State Water Commission Act, approved June 16, 1913, to give the State Water Commission jurisdiction over the distribution of water from the streams of the State, and to authorize that Commission, where and when necessary, to appoint water masters for that purpose.

(2) The appropriation of increased funds to the State Water Commission to enable that Commission adequately to handle the greatly increased work coming before it.

(3) The appropriation to the State Department of Engineering of an adequate amount, in excess of the regular appropriation already available therefor, to be used for surveys and investigations of the water resources of the State with a view to the development of a comprehensive policy, and to the extent possible, of comprehensive plans for their full utilization; in this connection it being particularly desired that there be undertaken such complete engineering investigation of the more comprehensive known prospective reservoir sites and of the surface and underground water resources of the State, with due consideration of their utilization for municipal, irrigation, hydro-electric, and other purposes, as a reasonable foresight demands should now be undertaken.

(4) The above named sections also request authority, on behalf of the Club, to oppose the creation of any additional State agencies, commissions, or boards to deal either with the development or utilization of the waters of the State, or with the administration of irrigation, reclamation, drainage, or other organized districts.

This was approved by the Governors with the following qualification:

In approving No. 3 it is the understanding of the Board of Governors that any appropriation that is asked for shall be for the next biennium and shall only be in such amount as the Department of Engineering shall deem can be profitably expended during that period for the purpose of securing information that may be of practical use without additional appropriations to continue the investigations.*

*Text as amended December 20, 1920.

Remarks by Frank Adams

MR. ADAMS: The recommendations that have been read to you constitute, so far as the section on irrigation is concerned, the bulk of the work of the year. All of the matters that are referred to in the report, and these recommendations, have been carefully considered by the committees of the section, and after practically unanimous approval have been taken up by the full section and also given practically unanimous approval. In order to make this fully representative of the views of the two sections, in accordance with the resolution read by Mr. Walcott passed at the meeting of October 21st, the matter was presented to all members of the sections in the form printed in the notice, and we have the vote of the members of the sections in this particular form. The vote on proposition No. 1 was 41 for and none against; on proposition No. 2, 39 for and 1 against; on proposition No. 3, 37 for and 3 against; on proposition No. 4, 37 for and 3 against. In other words, proposition 1 was unanimously carried; propositions 3 and 4 were carried with 3 negative votes only as against more than twelve times that many affirmative votes. I therefore think that the matter comes before the full meeting of the Club at this time in rather seasoned shape, so that you can vote having in mind that the matters have been thoroughly considered by the sections.

I think there will be very little discussion. There possibly may be no opposition to any of these; I think there will be no opposition to No. 1 and No. 2, possibly also to No. 4. There has, however, been some question raised as to the propriety of No. 3, and while, as I said, the two sections have voted 37 for to 3 against on this proposition, we want it fully understood by the members of the Club as represented here tonight. Therefore, I hope there may be time for those who care to, to speak on this subject before the final endorsement or refusal of endorsement is given by the Club. I shall speak very briefly, then, as to proposition No. 3, which reads:

(3) The appropriation to the State Department of Engineering of an adequate amount in excess of the regular appropriation already available therefor, to be used for surveys and investigations of the water resources of the State with a view to the development of a comprehensive policy, and to the extent possible of comprehensive plans, for their full utilization; in this connection it being particularly desired that there be undertaken such complete engineering investigation of the more comprehensive known prospective reservoir sites and of the surface and underground water resources of the State, with due consideration of their utilization for municipal, irrigation, hydro-electric, and other purposes, as a reasonable foresight demands should now be undertaken.

I want to say that one of the adverse votes on this proposition was cast by a member of the section who is opposed to any investigation

of that kind. The other two were cast by those who thought that the work should be in other departments of the State.

Now, gentlemen, if there is any one of the great natural resources of this State that stands out above all others as a factor on which our future growth depends, it seems to me that it is the waters of our streams. These constitute our one inexhaustible supply of power; they constitute the one factor above all others, excepting land, that determines the extent and the course of our agriculture. Yet, in spite of a great deal having been done by public agencies, both State and Government, in furtherance of the development of these resources, we have not yet undertaken to devise or work out any State plan or policy aiming at the most complete conservation and utilization of these resources that is economically practicable. We have simply said to the people of the State: "Here are our streams; here is this great natural resource; do with it as you please; the State is not concerned how carefully with reference to other uses you make use of this resource; we do not care whether you undertake to minimize or avoid any possible conflict between irrigation and power; we are not interested whether you take water away from one section that has no other source of supply and carry it to a section which might obtain another supply."

So the first thing we are asking in our resolution is that such investigations be made as shall, so far as it is possible, help to work out State policies for the most complete conservation and utilization of these resources.

Our section, I believe, has kept its mind directly on the facts, and I believe they are not in favor of or do not expect any appropriation that is aimed to be used to present something that is ideal and possibly that might in the centuries to come be worked out. We have in mind something very definite and specific, and that only such investigation be made as shall enable the State to go as far as it is reasonably practical to go in working out a policy and plan for our water development.

Now, the second purpose we have in mind is to learn more of our storage possibilities, not only of the larger reservoir sites, of which we already have some information, but of the hundreds of smaller sites that are scattered all over the State and are in a way accessible to many communities that do not realize the fact. We want to find out, for instance, how far it is practical to carry the flood waters of the Sacramento river, in which there is a great excess supply but where storage facilities are relatively limited to distant points, as has been suggested on various occasions, for later utilization there. We believe it

is necessary, for a thorough understanding of the possibilities of developing our water resources, to give some consideration to questions of that kind.

Now, it might be said, and has been argued that private interests and community interests are now doing all that is necessary in the way of investigation of our water resources, and that they are doing that without any cost whatever to the State. I believe we can admit that such interests are doing a great deal at this time, especially on our more important streams, from the Klamath and the Sacramento in the north, clear down through our central valleys to the southern counties in the State. But are they doing the things we have in mind in this resolution? Our contention is that they are not; that they are only doing the things that are of particular interest to them. They are not concerned with such questions as the conflict of irrigation with power; they are not particularly concerned whether the water is being used in the section of the State that is most desirable. These matters are not academic; they present definite questions that need solution. And these private and community interests that are seeking in a very creditable manner to increase their water supply, that is, to enlarge the utilization of the water resources tributary to them, are not considering those questions, and we believe that the State itself, as the administrator, should give consideration to them from a public viewpoint.

We believe, then, that these are definite and specific things which we are asking the State to authorize adequate appropriations for the Department of Engineering to undertake. We believe that only by just such specific and definite kinds of investigation can we get the information necessary for forming sound judgment on the matter.

Action by the Club Meeting

THE PRESIDENT: The recommendations of the two sections appear in the form of four different propositions, and if there be no objection these can be taken up in the order in which they are named here. The first is:

(1) A bill to amend the State Water Commission Act, approved June 16, 1913, to give the State Water Commission jurisdiction over the distribution of water from the streams of the State, and to authorize that Commission, where and when necessary, to appoint water masters for that purpose.

All those in favor will please raise their hands.

THE EXECUTIVE SECRETARY (After counting): 30.

THE PRESIDENT: Those opposed?

THE EXECUTIVE SECRETARY: There are none in opposition.

THE PRESIDENT: The second proposition, the appropriation of

increased funds to the State Water Commission to enable that Commission adequately to handle the greatly increased work coming before it.

What is your view on this subject; those favoring this proposition will please raise their hands.

THE EXECUTIVE SECRETARY: 26.

THE PRESIDENT: Those opposed?

THE EXECUTIVE SECRETARY: None.

THE PRESIDENT: The third proposition, the proposition which has been so carefully and adequately explained by Mr. Adams, relating to the appropriation of larger funds to the State Engineering Department for a more thorough investigation of the State water resources with especial attention to prospective reservoir sites and surface and underground water resources. Are you ready for the question?

Remarks by W. A. Beard

MR. BEARD: If I may, I would like to occupy a few minutes pointing out some practical considerations in connection with this matter. I have been associated for a good many years with people whose object was to find out the water resources of the Sacramento valley region. I wish to speak particularly of the second half of No. 3, the appropriation to provide for complete engineering investigation of the more comprehensive known prospective reservoir sites.

I believe there is more popular misconception about reservoir sites than any other one feature connected with the natural resources of the State. A great many believe that a reservoir is about the easiest thing in the world to find, that wherever there is a valley with a narrow outlet there is sure to be a reservoir site. Nothing can be further from the truth.

Nearly twenty years ago, when we started out to make surveys of the Sacramento watershed, we thought we had found a great many reservoirs. At that time we believed, from the investigations made, that the Pit river would be a great storage region, the storage stream of the Sacramento watershed. Today we have practically forgotten the Pit river so far as storage in the lower Sacramento valley is concerned. There is probably one reservoir site that could be made a site provided it proved to be feasible and had the foundation, but the water needed to fill that reservoir is in the control today of the Pacific Gas and Electric Company. Its future as a reservoir site is very doubtful indeed. The Feather river now appears to be the main stream of stor-

age resources, and we do not know whether there is a single reservoir site on the Feather river, or whether there is not. That is the way the matter stands today after eighteen years of more or less study and examination. There are only two reservoir sites proven; that is, Iron Canyon at Red Bluff, and a smaller reservoir site on Stony Creek. These have been investigated and the foundations have been found all right. There are no others that have been found all right as to foundation, and we have absolutely no knowledge as to whether we will develop many more. On the Feather river, which seems to have a large number of possibilities for reservoirs, there is much room for doubt regarding every site that has been proposed.

We contend that it is important to the people of this State to determine the availability of all prospective reservoir sites. It may be said that we are seeking to develop water for irrigation districts who should seek their own water supply and can go and try to find reservoir sites. But they are liable to be a long time about it. Take the situation today. The present situation does not warrant great expectation and great activity in that direction for a year or so. Six months ago it looked all right, it looked as if storage development would go along with a rush. But today after the heavy rains we have had, much of the rice, for instance, is still in the field and the price is very low. That is going to have a retarding effect, not only upon development, but upon investigations.

I want to call your attention to the last few words of that paragraph, which are these: that the things to be undertaken are such as a reasonable foresight demands should now be undertaken. I believe, gentlemen, that this calls for a very practical and needed work on the part of the State, and I trust it will have your support.

THE PRESIDENT: This proposition No. 3 is before you with the following qualifications placed upon it by the Governors:

> In approving No. 3 it is the understanding of the Board of Governors that any appropriation that is asked for shall be for the next biennium and shall only be in such amount as the Department of Engineering shall deem can be profitably expended during that period for the purpose of securing information that may be of practical use without additional appropriations to continue the investigations.

Subject to that qualification, proposition 3 is before the meeting. What is your pleasure? Those in favor of supporting the views of the two sections will signify by a show of hands.

THE EXECUTIVE SECRETARY: 28.

THE PRESIDENT: Those opposed?

THE EXECUTIVE SECRETARY: None.

THE PRESIDENT: The fourth proposition relates to granting authority to the two sections to oppose the creation of any additional State agencies, commissions or boards to deal either with the development or utilization of the waters of the State, or with the administration of irrigation, reclamation, drainage, or other organized districts.

Remarks by Frank Adams

MR. ADAMS: We have had a committee in the section on irrigation working throughout the year on the question of consolidating the State commissions and offices that deal with water. We have quite a number of them—State Railroad Commission, State Reclamation Board, State Water Commission, State Engineering Department, the State Irrigation Bond Commission, and it is very generally the sentiment of the section that we should move toward the consolidation and simplification of these agencies. That is as far as the section is willing to go at this time; and the most we wish to ask is that you endorse the recommendation that we oppose the creation of any more.

THE PRESIDENT: If you are ready for the question we will ask for the sense of the meeting in the matter of sustaining the views of the section. Those in favor thereof will please show hands.

THE EXECUTIVE SECRETARY: 29.

THE PRESIDENT: Those opposed?

THE EXECUTIVE SECRETARY: None.

TRANSACTIONS

OF THE

COMMONWEALTH CLUB

OF CALIFORNIA

Selection of Jurors

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OF THE
COMMONWEALTH CLUB
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VOL. XV SAN FRANCISCO, DECEMBER, 1920 No. 8

SELECTION OF JURORS

Complaints against the workings of the jury system have from time to time led the Governors of the Commonwealth Club of California to request reports from its sections and committees on ways to improve conditions.

The subject was first discussed by the Section on Public Laws in 1905, and was brought before the Club meeting of February 13, 1907, as a part of the discussion on the criminal procedure of California. The general question was taken up again at the Club meeting of March 11, 1908, when the Club resolved that it "favors such revision of the laws of criminal procedure in this State as shall make the administration of justice more speedy and certain." At the meetings of November, 11, 1908, and December 9, 1908, reports were made and discussed, and a special committee appointed to prepare amendments to the codes to carry the policy into effect. (See Transactions of the Club, Vol. III, No. 9). The Section on Criminal Procedure prepared a comprehensive plan for the revision of criminal procedure and presented it to the Legislature of 1909, but all bills failed of passage. The effort was continued in the Legislature of 1911, and the bills protecting the grand jury were passed, also a constitutional amendment forbidding appellate courts to grant new trials for technical errors unless there had been a miscarriage of justice.

Committees on civil and criminal procedure were maintained and reports were had at the Club meeting of December 11, 1912. The recommendations of the committees were approved, and those suggested by the Committee on Civil Procedure were for the most part enacted by the Legislature of 1913 but were not signed by the Governor. See Transactions Vol. VIII, No. 1 pages 1-53, and pages 647-9. The efforts were continued in the Legislature of 1915, and amendments to the laws were secured which materially reduce the time required for hearings on appeal (See Transactions, Vol. X, No. 7, "Changes in Civil Procedure"). Amendments providing for changes in the jury system were prepared by the judiciary committees of the Club but failed of passage in the Legislatures of 1917 and 1919.

Scandals arising in the selection of jurors in the city of San Francisco called renewed attention to the subject early in 1920, and the Section on Judiciary was requested to present further suggestions.

At the Club meeting of November 18, 1920, the section discussed the subject, "Our Jury System; Can it be Improved?" Reports were made by Edward Hohfeld, Chairman of the Section; Senator Lester G. Burnett, Randolph V. Whiting and Perry Evans. Recommendations for reducing the time of service and for changes in the manner of selecting jurors were made.

At the same meeting the recommendations of the Section in favor of a small claims court and a public defender (See Transactions Vol. XV, No. 3, June, 1920, "The Poor Man in Court") were approved by a majority of the members present. On a postcard vote, both were approved by a large majority of the Club (see PROGRESS REPORT for final tabulation of vote).

Meeting of November 18, 1920

The Club meeting of November 18, 1920, was held at the Hotel St. Francis, San Francisco. Following the dinner and business meeting the subject of the evening was presented by President C. E. Grunsky.

Remarks by President Grunsky

THE PRESIDENT: The topic that has been selected for discussion this evening is "Our Jury System", and the question is asked, "Can it be Improved?" I will ask Mr. Hohfeld, the Chairman of the Section, to make the introductory statement.

Report by Edward Hohfeld

MR. HOHFELD: Before discussing the topic of the evening, I would like to refer to the report that your Judiciary Section made at the May meeting of this year on the subject of the small claims court and the public defender. The evening passed and adjournment was taken before the Club had an opportunity to express its pleasure as to what, if anything, should be done to secure legislation on these subjects at the coming session of the Legislature. Therefore in connection with the discussion of the subject of the jury tonight, I should like, Mr. President, to have the Club indicate by its vote what its desires are as to these subjects.

THE PRESIDENT: The opportunity will be given unless there is some objection on the part of the Club.

MR. HOHFELD: The small claims court is designed to afford a very simple procedure for the collection of small claims, from $50 down. I say this for the benefit of those that were not here at the discussion in May. It does not contemplate the organization of new courts. The procedure is simply that of going to the justices' court, a justice or the clerk, and filling out a form, and the justice or clerk then mails a notice to the defendant to come in at a certain time or judgment will be taken against him. The parties appear with their witnesses, without attorneys, for attorneys are not permitted to practice in this Small Claims Court, and the justice is permitted to take any evidence in an informal manner, in court or outside, and then make his judgment in such shape as justice may demand; he may even make a judgment permitting payment of the claim by installments or otherwise.

As to the public defender, we are all more or less acquainted with this institution, because of the fact that it has been in operation in Los Angeles for several years. Mr. Walton J. Wood, who addressed us at the May meeting, told us that it had worked with great success in Los Angeles and had driven the shyster out of the practice in the crimi-

nal courts there. The office is designed to afford legal representation through the public defender for persons charged with crime who are unable to employ counsel. It thus does away with the system of assigned counsel. Civil cases up to $100 also come, I believe, within the jurisdiction of the public defender in Los Angeles.

Coming now to the subject of this evening's discussion: "The Jury System—Can it be Improved?"—I see that our worthy secretary has put me down for an introductory statement on the subject of "Present Evils". I claim a more modest part in the evening's program. My purpose is to state in a general way the aims and purposes of your committee in preparing the suggested code amendments, with a statement of some of the evils that were called to our attention. I am very glad that there are several others here who will address us this evening who are far better qualified than myself to speak on the subject of the present evils and the proper remedies therefor.

The Judiciary Section of the Club met in conjunction with the corresponding committee of the San Francisco Bar Association. We were very fortunate to have with us at our meetings Chairman Evans of that committee and Mr. Beverly Hodghead, who gave a great deal of time and thought to the subject and assisted our committee very much in giving this important matter consideration. We also were fortunate in having before us the experience and knowledge of persons as to the actual workings of the jury system in San Francisco and other large metropolitan centers, and the amendments which are proposed are largely the result of some of the evils that were called to our attention by these persons.

The Section commenced its study by comparing the jury laws which obtain in several of the representative states of the Union. But we found that the jury system of California, taken as a whole, compared very favorably with the jury systems which obtain elsewhere; and we concluded, therefore, not to make any suggestions for radical changes in the system as a whole, but rather to suggest amendments which were designed to cure such evils as exist, with particular reference to the large counties, and cities and counties, of the State.

I think that it may be helpful to state in a few sentences, a few facts about our Federal jury system. Our Federal jury system gives satisfaction, and the evils which we will speak of, which exist in the state system are, I think, singularly absent from the Federal system.

Under the judicial code it is provided that, so far as the qualifications of jurors are concerned, they shall be the same as those which apply to jurors in the courts of the State. They are selected by the clerk of the Federal Court and a jury commissioner who is appointed by the

court, and they select alternately names for the large jury box, which must contain three hundred names, and from this box containing three hundred names the trial jurors are drawn, who must serve for the term of the court, that is, for some three or four months.

Now, I suppose that jurors do not like to serve in the Federal courts and give their time there any more than they do in the state courts; but, as we know, the system of excusing jurors in the Federal Court is much more rigorous than in the state courts. And I suppose that this is due largely to the fact that in the Federal courts the judges are appointed; the clerk, the marshal, the jury commissioner, are all appointed officers, and they are far removed from political or other influences which are present in our state courts.

Now, when we turn to the state courts we should note, in the first place, that the same raw material for the choice of the jurors is available. Of course, the geographical area is not so great, several counties being taken in in the case of the Federal Court and only the particular county in the case of the Superior Court, but that is not a very vital difference, it seems to me. In the counties where the jury commissioner in the Superior Court holds his office, as in San Francisco, the jury commissioner is enabled to choose such men as in his judgment are best adapted for jury service. It is his duty to make preliminary examinations and then, under the rules of the court, to submit his list to the court for approval, and when approved his list of names is put by the clerk into the large jury box from which the department trial jury panels are selected.

But the trouble begins when the departments of a court begin to draw their department trial jury panels. The men, so far as they are men of affairs and the sort of men that lend weight and dignity to the jury, are singularly jealous of the time taken from their business. They are very anxious to get excused from jury service. We all know that. That is not a recondite fact. It is a fact that we are all familiar with. What is the result? Well, it is the individual judges of the court that have the matter of excusing the jurors, and a very wide discretion they have. Consequently, these prospective jurors apply to the judges to be excused, and there are all degrees of strictness on the part of the judges as to how easily or otherwise jurors are excused. Some of our judges are kindly, easy going men, who are very free and easy in the matter of giving excuses. Others, with a higher conception of the judicial function, make it far more difficult for jurors to be excused.

The committee had its attention called to a case that happened in one of the departments of our local Superior Court not long ago where

one hundred and fifty jurors were brought into court for the purpose of drawing a trial jury panel, and the easy going judge of that department excused, I think, one hundred and fifteen, many of them for light and trivial reasons.

It must be remembered that the jury commissioner, in the first instance, passes upon the excuses of men and weighs the situation generally before those names get into the jury box, and the excusing by the judge of one hundred and fifteen men out of one hundred and fifty called for service, seems to me to be a perversion of the jury system. The necessary result is to leave a certain residuum there, many of whom will represent the so-called professional juror. The professional juror, the so-called retired man, is one who wants to serve on the jury for the per diem that is in it. That would be particularly so in the criminal department of the court, because there, as I understand it, the fee is paid whether the jurors actually serve in the trial jury box or not.

Now, the trouble with the professional juror, it seems to me, is that he is not entirely independent. Furthermore, he is apt to be an old man, whose intellect is not as good as it might be. He is usually a person withdrawn from the busy world of affairs and has not the same standing and weight in the community that men would occupy who are busily engaged in the world's affairs. But more than that, the professional juror wants to be on good terms with the judge, the clerk, the sheriff, and the attorney or the attorneys that have the most jury cases to be tried in that department. And why? He must be on good terms with the sheriff, so that the sheriff will not omit to summon him into court; with the clerk and his deputy, so that his name will always be certified to the sheriff; with the judge oftentimes, that the challenge for cause will not be too lightly granted; and with the attorneys so that they will not too readily peremptorily challenge him. Altogether, it seems to me, that any thoroughgoing system of reform should seek to do away, as far as possible, with the professional juror. And I say that knowing that some of the trial judges express the view that the professional juror is a very effective juror.

But the machinery of reform, I think, should not stop there. We all know that in one of the criminal departments of our local Superior Court recently, through the alleged connivance of a practitioner and a courtroom clerk, a trial jury was picked in advance and put into the box, and apparently without the knowledge of the judge presiding in that department of the court. I understand that in that case the trial jury panel contained only a dozen and a half or two dozen names, so this trickery was made comparatively easy. It would seem as if the trial jury panel box should always have a fairly good number of men

in it before a trial jury is picked. Then, provision should be made to have the drawing conducted under the strict surveillance of the judge and in the presence of counsel.

Now, I am aware that some of the amendments that are suggested tonight are already covered by the rules of our own Superior Court. But, after all, rules of court do not rise any higher than the source from which they come. Some judges, with a proper idea of the fitness of things, will observe those rules, but many of them observe or disregard them at pleasure. It seems to me that if the provisions are of sufficient dignity to be incorporated in the rules of court, they should be enacted into law, giving the highest mandate that is possible to the judge, to enforce these rules. Furthermore, to the right kind of judge, the enactment into law of these measures would act as a shield, I think, to protect him from the importunities of jurors who wish to get excused. On the other hand, the careless judge, by means of the law, could be compelled to be more careful in his observance of his duties in this regard.

Of course, the amendments that are proposed are only tentative. It is only the general principles that we want discussed tonight, and we hope that there will be many new ideas expressed during the evening's discussion. (Applause.)

THE PRESIDENT: With the consent of the chairman of the Section, who has arranged the program of the evening, I will now call on Senator Lester G. Burnett out of the scheduled order to present his views on "The Legislative Situation on Jury Reform."

The Legislative Situation on Jury Reform

SENATOR BURNETT: Mr. President: This heading that has been given to me, reminds me of a story of Mark Twain's talk on bread. He produced a loaf of bread, and never talked about it again.

I cannot say what the Legislature thinks about jury reform, but I will say this, that the general desire of the members of the Legislature of this State, in my experience with them, running over four sessions of the Legislature, is to do the best they can for the State. It is true that in the Legislature we have members who come from districts whose people have decided views upon certain subjects, and they are guided by the views of their constituents. But when it comes to a broad question of the welfare of the State in any matter such as this, the desire of the legislators, in my experience, is to do the best they can for the welfare of the State.

We have had jury questions before the Legislature several times during my incumbency as Senator and the attitude of the legislators from outside counties, that is, counties other than that of San Francisco, is that when we try to make the reform to help San Francisco they say that they do not care to have the jury system of 57 other counties upset just because San Francisco, as they say, is rotten. So you can see their attitude.

Now, their contention is not without merit. On the other hand, in this jury matter, if we can show them reforms that are necessary in San Francisco, that will not interfere with the system now in existence in the outside counties, why, then, we have a chance of some reform in the jury system of San Francisco. But to go to Sacramento and endeavor to change the whole jury system of the State to meet the conditions in this city, in my judgment, would be futile.

We have a lot of fine citizens who, before primary day, particularly if primary day happens to be declared a holiday, depart for the country in droves as if this city was stricken with a plague, and do not even care to vote, but they holler like anything about the conditions of the government. I had a friend of mine with whom I got into quite a heated discussion the other day, not so much on my part, but because I wanted to get him heated up. We were talking about this jury system. He said, "They take me down to court and keep me there for hours at a time." I said, "What do they do?" He said, "It isn't anything they do, but it is my time." I said, "Your time is money, isn't it?" He said, "Oh, yes". I said, "You citizens make some bad complaints. You do not think any more of a dollar than you do of your right eye." He didn't like that a bit. But on the other hand, that is not confined

to what we call merchants, business men. There is also included the high-class mechanic. He values his time just as much as the business man and even more, because he is not earning his money out of interest or through somebody that he can delegate to run his business in his absence. He has to do his work himself, and he receives good pay. So that man does not go. You do not get that man. Why is it you do not get him?

I am afraid I am talking on my friend's argument here, but I just want to emphasize one point, and that is, when he does go to serve and he serves his share, he does not get any immunity.

It seems to me that the main thing we have to derive out of this reform is the immunity from service for a man who has served a certain extent, and that must be arrived at; and when you get that, you will get those men. You can relieve them for a certain definite time, two or three years.

I understand that in the English system that if a man has served—like one gentleman who has complained very bitterly at our table tonight about the length of service, nearly a whole year—that after he has served a long stretch at one time, he is exempt for life, never can be called again. This man has not only to be exempt, he has got to be disqualified, so that he cannot serve upon a jury. He cannot even waive his disqualification. Then you will get men who will come to court. He will say, "When I have served my time for so long, then I am free." Then you will get good men who will serve, not only among the ranks of business men, but among the ranks of mechanics, whose time to them is really worth dollars.

In addition to the old professional jury men that you have, you now have the professional jury women. I have a sister who is serving on the jury and she is becoming quite expert. I think she will serve on a jury every time she has a chance. They ought to be disqualified and would be, of course, under the plans proposed.

There are several gentlemen here who are members of the Legislature, so I have to be very cautious in telling you what I think about them. Some of them are from outside cow counties. Senator Dennett here comes from Modesto. He probably can tell you the attitude—I won't say of the country lawyer, because I heard Senator Shanahan get up and talk for an hour because somebody called him a country lawyer; but he can tell you about the attitude of the legislators outside of San Francisco.

Something can be done if it is done with the idea of not trying to reform the whole system. I have never tried to reform every particular

thing in the Legislature. It is contrary to my disposition. I am afraid I still have some of the characteristics of my English ancestors. There they took forty-five years to reform one law; but when they reform it they reform it and it stays reformed. Something can be done; and if it is not done this session, it can be done next session or, if not, the next session or the session after that. All you have to do is to be persistent and to understand that you must look at the viewpoint of the people who do not live in San Francisco—and there are a great many more of them than there are of us. I think if we go to the Legislature with a reasonable bill that will be applicable as much as possible to our city alone, we will be able to do something of great value to the State, for anything that is of value to San Francisco will be of value to the State (Applause).

THE PRESIDENT: It being admitted that there are defects in our jury system and its practical application, we turn now to a consideration of "Proposed Remedies". On this subject we are to hear from Mr. Randolph V. Whiting.

The Proposed Remedies

MR. WHITING: The Chairman of our Section and Senator Burnett, I think, have sufficiently put before you the objects of this committee and the work they have intended to carry out. I will confine my efforts to placing before you the proposed amendments, leaving to Judge Wilbur the discussion of evils that are to be remedied by them.

Section 198 of the Code of Civil Procedure, defining who is competent to serve as a juror, we made only a minor amendment in.

Section 199 reads at present as follows:

"WHO NOT COMPETENT TO ACT AS JUROR. A person is not competent to act as a juror:

1. Who does not possess the qualifications prescribed by the preceding section;
2. Who has been convicted of malfeasance in office or any felony or other high crime; or
3. Who has been discharged as a juror by any court of record in this State within a year, as provided in section two hundred of this code, or who has been drawn as a grand juror in any such court and served as such within a year and been discharged.
4. A person who is serving as a grand juror in any court of record in this State is not competent to act as a trial juror in any such court. And a person who is serving as a trial juror in any court of this State is not competent to act as a grand juror in any such court."

We left all of this section standing and added a fifth subdivision, which we think reaches the evil of the professional juror and offers inducement to the better class citizen, whom Senator Burnett has described to you, to serve on juries. The inducement is offered by shortening the term of service, and we think that offers sufficient inducement to higher class citizens to serve on juries. That subdivision reads as follows:

"5. Who, during the preceding two years, shall have actually served for ten days or more, as a trial juror in a court of record of this State, or, during the preceding two years, shall have been drawn and remained on a regular trial jury panel in any department of such court for a period of thirty consecutive calendar days, and the days of service of such juror in the trial of cases shall be counted as part of said period of thirty calendar days; provided, however, a juror must, in any event, complete his service as such juror in the trial of a case in which he may be actually engaged; and provided, further, that this subdivision shall apply only to counties, and cities and counties, of the first and second class."

There might be a great deal of debate on this subdivision as to the briefness of the time of service: A period of ten days' active service, or if the case extend over that time, to the end of that case, will exempt

the juror and disqualify him for the period of two years. I think many who have had practical experience with juries would object to the shortness of the time of service on the ground that the juror hardly gets broken in in that time, and there might be very strong arguments against it. I am free to say that I am not satisfied that the time is long enough, but I realize that the business man who is actively engaged in his own affairs begrudges every moment that he serves on a jury, and unless he can feel sure that he is not going to be called on to give any great length of time away from his business, he is going to use every effort that lies in his power to get excused. That is a common practice. Every one knows that the abuse of our present system lies in the fact that the better class man, the man of affairs, who is competent and who is in his prime, who is better able to serve than those who are differently situated, older men, or men who have never taken any great part in the affairs of life, is always trying to get off juries, and he generally succeeds. We may assume that any man rightly constituted who has a feeling that he will be free from service after ten days, will allot a portion of his time to this service, and in that way we will get a better class of men.

The other branch of that amendment is, that if a man is on the panel subject to call for thirty days he is excused for two years whether he is called or not. Senator Burnett touched upon the fact that under that section a man is declared to be incompetent. This gives one of the parties to the action the right to challenge the professional juror on account of his incompetence and that excuses him. We have added another subdivision under which the juror may claim exemption if the party does not raise the question.

That, I think, is one of the main points which the committee has to present at this time, and it is designed, as you see, to get rid of the professional juror and also to procure a higher class of men to serve.

Section 200 has been considered by the committee, and we added to that section a thirteenth subdivision which reads as follows:

"Sec. 200. PERSONS EXEMPT FROM JURY DUTY. A person is exempt from liability to act as a juror if he be: . . . . . .

"13. A person who is not competent to act as a juror, for any reason prescribed in section 199."

That merely gives the juror himself the privilege of claiming exemption if he has not been challenged by one of the parties.

Section 201 of the Code of Civil Procedure relates to the power of the court to excuse jurors; and that, as Mr. Hohfeld indicated to you, has been greatly abused in times past, and is being abused today.

I do not think there would be any occasion for any of these laws if the trial judges would exercise the powers they have now. If they had the backbone and the nerve to stand up against the importunities of men who ought to serve, men whose duty as citizens of this community it is to serve, we would not have occasion for these laws, but we know in fact that they do not do it. We have added to the existing section the following exception: I will read the section as it is today.

"Sec. 201. WHO MAY BE EXCUSED. A juror shall not be excused by a court for slight or trivial causes, or for hardship, or for inconvenience to said juror's business, but only when material injury or destruction to said juror's property or of property entrusted to said juror is threatened, or when said juror's health, or when the health or proper care of said juror's own family, or when the sickness or death of a member of said juror's family make it necessary for said juror to be excused."

That part of the section is just as it is in the statute today, but the committee has added this exception:

"Except as otherwise provided in section 202 of this code, the court may excuse a juror only upon application made and examination of such juror or witnesses in his behalf, in open court, under oath."

In other words, making a formal, open, public proceeding, which may be under the scrutiny of those who desire to oversee it. It further provides:

"And in case any juror be excused from service, the court must cause the reason therefor to be entered forthwith in the minutes of the court, and the court shall also cause to be entered in such minutes the length of time for which said juror is excused, and must cause his name to be returned to the general trial jury box from which the department trial jury panels are drawn."

At the present time jurors are excused, and, I believe, their names are not returned to the box. They may be free for a year or possibly indefinitely. I may be incorrect in this, but I think that is the practice.

Section 202 of the same code provides for excusing a juror by filing an affidavit, and the committee has made some change so I had better read it:

"If a person disqualified or exempt from liability to act as a juror, as provided in sections one hundred ninety-nine and two hundred be summoned as a juror, he may make and transmit his affidavit to the clerk of the court for which he is summoned, stating his office, occupation, or employment,"

and the committee added these words—

"and the facts upon which he claims his disqualification or exemption from jury duty,—and such affidavit shall be delivered by the clerk to

the judge of the court where the name of such person is called, and if sufficient in substance, shall be received as an excuse for non-attendance in person. The affidavit shall then be filed by the clerk."

and the committee added further:

"But the court may, and on request of the jury commissioner must, summon such person to appear in court to testify as to the matters contained in his said affidavit."

You will see later that provision is made for a jury commissioner, and he has been given considerable power.

The next section is, I believe, in the present code; that is section 204.

Section 204c relates to the duties of the jury commissioner, and the committee has made quite a considerable change in it, giving that official additional powers and powers that we think are necessary. The amendment provides:

"It shall be the duty of the jury commissioner diligently to inquire and inform himself in respect to the qualifications of persons resident in his county or city and county who may be liable under the provisions of the laws of this State to be summoned for jury duty in courts of record of this State. He shall summon such persons to appear before him at a fixed time and place, for examination as to their qualifications to serve as such jurors, and such persons must attend before him for the purpose of such examination. The county clerk of such county or city and county shall, when requested by the jury commissioner,"

The present law does not provide for the issuance of a subpoena, but merely a notice by the commissioner, which of course is of no effect if it is disobeyed. The clerk must—

"issue under his hand and the seal of the Superior Court of such county or city and county, a subpoena in the form now provided by law for subpoenaing witnesses before such Superior Court, requiring any such person to appear before the jury commissioner at a time and place in such county or city and county, to be designated in the subpoena, to answer such questions touching his qualifications to serve as a juror, as may be propounded to him by the jury commissioner. Such subpoena shall be served by the sheriff, or by some other competent person appointed by said jury commissioner for that purpose, in the manner provided by law for serving subpoenas, and disobedience thereof shall be punishable as contempt of court;"

That is added, giving an effective remedy for non-compliance with the subpoena. It is further provided:

"and in addition thereto such disobedience shall cause a forfeiture, for a period of one year thereafter, of any exemption from jury duty based upon the provision of subdivision 5 of section 199 of this code.

"The jury commissioner shall have the power, on the examination of any person as to his qualifications to serve as a juror, to administer

an oath to such person and to require him to answer under oath all such questions as he may address to such person touching his qualifications as a juror, and also all questions as to similar matters concerning other persons of whose qualifications for jury duty he has knowledge. Refusal to answer any such questions propounded by such jury commissioner shall subject the person so refusing, to the same penalties as for disobedience of a subpoena hereinabove mentioned, and the jury commissioner shall immediately report to the presiding judge of such Superior Court the disobedience of such persons to obey said subpoena, or his refusal to answer any questions of said jury commissioner on the hearing before him as hereinabove provided for. It shall thereupon be the duty of such presiding judge forthwith to cite such person to appear before him in open court at a time and place to be designated in the citation, and upon the hearing of the matter to determine the same as in other proceedings for contempt of court."

In other words, this is designed to make an open court proceeding for examination of the delinquency of any man who has been summoned for jury duty, and in that way make it more formal and more effective.

"The jury commissioner shall be allowed his actual traveling expenses incurred in the performance of his duties while visiting the different localities in his county, or city and county, such traveling expenses to be audited, allowed and paid out of the general fund of the county, or city and county."

Section 210 provides as follows, and has been slightly changed by the committee:

"Sec. 210. REGULAR JURORS TO SERVE ONE YEAR. The persons whose names are so returned shall be known as regular jurors, and shall serve for one year and until other persons are selected and returned; provided, however, that in counties, or cities and counties, of the first and second class, persons whose names are so returned shall serve upon a regular trial jury panel for thirty calendar days, and shall then be discharged; except that a person must be discharged from such panel after he shall have served for not less than ten days as a trial juror; but in no event shall a trial juror be discharged from service until the completion of the trial of the case in which he is acting as trial juror at the time of the expiration of said ten days of service."

The next section is 214, which relates to the drawing of the jury, which, I think, is quite important:

"Whenever the business of the Superior Court shall require the attendance of a trial jury for the trial of criminal cases, or where a trial jury shall have been demanded in any cause or causes at issue in said court, and no jury is in attendance, the court may make an order directing a trial jury panel to be drawn, and summoned to attend before said court. Such order shall specify the number of jurors to be drawn, which number shall not be less than fifty, and the time at which the jurors are required to attend."

The committee discussed that subject and found in some instances the courts maintained a very small panel for the trial of cases and in that way cut down the opportunity for selection of jurors, and it was thought advisable to fix a minimum number which would be maintained at all times. It further provides:

"When such trial jury panel shall have been completed by said court, it shall thereafter be maintained at a number not less than thirty-six, and when the said number shall be reduced for any cause whatever below said number, such court, before the trial of another jury case, shall proceed to have additional jurors drawn in the manner provided for the drawing of the original panel, to bring said number up to thirty-six. Neither party shall be compelled to go to trial until there are present in court not less than thirty-six trial jurors from said trial jury panel from which to draw a jury. And the court may direct that such causes, either criminal or civil, in which a jury may be required, or in which a jury may have been demanded, be continued, and fixed for trial when a trial jury panel shall be in attendance."

This next section, 219, is quite a material departure from the present system of drawing a trial jury:

"The clerk must conduct said drawing as follows:

1. He must, in the presence of the court and of the parties to the cause, or of their respective attorneys, open the department trial jury box containing the slips on which the names of the jurors are written, and the court and the parties to said cause or their respective attorneys, may examine said slips if they desire; he shall then call the roll of the jury from said slips, and, if demanded by the court, or by any of the parties to the cause, or by their respective attorneys, shall exhibit any or all of said slips to the court or to the parties or their respective attorneys. If any of the jurors shall fail to answer to their names on said roll call, the court shall cause to be examined under oath the clerk of the court or his deputy who made up the list of jurors to be summoned, and also the sheriff, or his deputy, to whom said list was delivered for having said jurors summoned, and the parties in said cause or their respective attorneys shall have the right to examine said clerk or his deputy, and said sheriff or his deputy, to ascertain whether said absent juror or jurors were included in said list and were summoned to appear in court."

That, of course, is designed to meet a case such as Mr. Hohfeld referred to, or a similar case in which it is claimed that the jury was picked. In other words, it gives the right to the parties to examine the full list.

"If it shall appear to the court after such examination that said clerk or his deputy wilfully failed to include in said list the name of any absent juror or jurors, or that said sheriff or his deputy wilfully failed to summon said absent juror or jurors whose name or names were included in said list, said clerk or his deputy and said sheriff or his

deputy so failing in his duty shall be adjudged guilty of contempt of court. If the court shall find that any of said absent jurors have failed to appear after having been duly summoned, the court shall immediately cause a citation to be served upon them by the sheriff, to show cause, at a time and place to be named in the citation, why they shall not be punished for contempt of court. If the court after a hearing shall find such juror guilty of contempt of court, it may, in addition to punishing him for such contempt of court, cause an order to be made that for a period of one year thereafter the juror shall not be exempt from jury duty based upon the provisions of subdivision 5 of section 199 of this code."

Subdivision 2 of that section was amended slightly by the committee. The clerk—

"must shake the box containing the names of the trial jurors so as to mix the slips of paper upon which such names are written as well as possible; he must then draw from said box as many slips of paper as are necessary to complete the trial jury."

The words "as are necessary to complete the trial jury" were added by the committee.

Subdivision 4 was amended in some respects:

"The same proceeding shall be had as often as may be necessary until the whole number of jurors required be drawn.

"If the name of any person is drawn from said box who is deceased, or insane, or who may have permanently removed from the county, or who is disqualified or exempt from jury service, and the fact shall be made to appear to the satisfaction of the court, the name of such person shall be stricken from the list, and the slip of paper having such name on it shall be destroyed and another juror drawn in his place, and the fact shall be entered upon the minutes of the court. After the drawing shall be completed, the clerk shall make a copy of the list of names of the persons so drawn, and of the persons whose names have been stricken from the list, and of the persons who have been excused from service, with a statement of the reasons therefor, and certify the same. In his certificate he shall state the date of the order, and of the drawing, and of the number of the jurors drawn, and the time when, and the place where such jurors are required to appear. In those counties, or cities and counties, where there is a jury commissioner, such certificate and list shall be delivered by said clerk to said jury commissioner."

Section 246 has been amended by the elimination of a certain portion:

"At the opening of court on the day trial jurors have been summoned to appear, the clerk shall call the names of those summoned, and the court may then hear the excuses of jurors summoned; provided, that it may be left to the discretion of the court to accept an affidavit of excuse under section two hundred two of this code without a personal appearance in court of the juror summoned."

This provision, leaving to the discretion of the court acceptance of an affidavit in lieu of personal appearance of the juror, has been eliminated and the procedure that I have read above substituted.

Those are the proposed amendments. A very wide field presented itself to the committee when it started its labors, but it narrowed down to the two or three questions which I have put before you (Applause).

THE PRESIDENT: In continuation of this subject we will now be addressed by Mr. Perry Evans.

Address by Perry Evans

MR. EVANS: Much of what I have to say is, to a certain extent, an echo of what has just been said by the preceding speakers, but it may emphasize the points made to say the same thing in a different way.

We are proposing to change the jury system for the purpose of obtaining better juries; and the question arises, in what way do we expect to better them? It is apparent that we can raise the *average intelligence* if we can succeed in getting service from a large class of people who now *avoid* service. A jury trial should not be a gamble, as it too frequently is with the material now found in the jury box. Our section has proposed two methods by which we expect to induce busy men to give service which they now seek to avoid.

The first proposal is to shorten the term of service. Such a provision exists in the laws of a number of other states. For instance, among those that I have examined, I find that in Nebraska, the juror need serve but three weeks in each year. In Minnesota, he is required to give thirty days' service, but need not serve two years in succession. In Oklahoma, he serves but two weeks and no two years in succession; in Colorado, three weeks and is then disqualified for one year. Our law already provides that in all counties having a population above five thousand, a juror who has served upon the panel during one year, need not serve the following year, but there is nothing to prevent his being kept on the panel for an entire year, so that his entire time may be demanded every other year.

Our second proposal is to limit excuses by requiring every person summoned as a juror, or at least someone in his behalf, to appear in court in person and give a valid excuse under oath, and then require an entry of the excuse in the minutes of the court. This would make the judge more cautious about excusing men from service. Recently one of the judges called about one hundred and fifty men for service and excused over a hundred, and there is no record of the grounds upon which they were excused. Each man excused considers that the judge has done him a favor and becomes a political friend and supporter of the judge.

In addition to intelligence on the jury, impartiality is of course of prime importance, and it is believed that the so-called professional juror, the man who serves repeatedly, is not so apt to be impartial as one who serves but once in a great while. It is said in favor of the professional juror that he becomes experienced and is a better juror for this reason, but technical knowledge is not what is expected or sought from a jury. The necessary technical knowledge to conduct the trial

is furnished by the judge, and the function of the jury is merely to determine the facts. If the parties desire that the facts of the case be determined by a person of experience in the law, they have only to waive a jury and submit the case to the judge. A jury is called primarily for the purpose of escaping the influence which is apt to settle, or which the litigant fears has settled, over those engaged in the routine of court work, and the professional juror is subject to such influence. A man who is known as a professional juror is more apt to be approached by unscrupulous litigants, and many attorneys have told me that they have found that the professional juror becomes opinionated, and with half-baked ideas of how cases should be conducted, is more erratic than the juror who is not so confident of his knowledge of the law. Another serious objection to the average professional juror is that he is generally a person of leisure, whose time is of no particular value, and that consequently his viewpoint must be entirely different from that of a person actively engaged in affairs. I think it will be conceded that the business man or worker will ordinarily have a keener appreciation of the value of things, both corporeal and incorporeal, than the person who has nothing to do.

While our committee has concluded that the most practical program, for the present, is to limit changes in the jury system to those already mentioned, I think some comment should be made upon other changes which have been proposed and which are likely to be proposed at the coming session of the Legislature by other organizations or groups of people. A change which has been advocated by a great number of people is to change the entire system of selecting jurors by requiring that they be chosen by lot instead of by a commissioner or by the judges or other officials. This is not an untried experiment. The system, for example, is in operation in Douglas County, Nebraska, the county which includes the City of Omaha. The system operates in the following manner:

Ten cards, consecutively numbered, are placed in a box and shaken, and the jury commissioner, in the presence of three judges, draws one number, which is known as the key number. The election commissioner then chooses from the great register the corresponding name from each precinct, and every tenth name thereafter. Instead of every tenth name, this could of course be varied to every fifteenth or twentieth or fiftieth name, to conform to the population of the county in which the system is to operate. The jury commissioner then goes over the names selected and eliminates those disqualified or entitled to exemption.

The principal objection raised to this system is that it produces juries with a low average of intelligence, but we have not secured such a high average of intelligence under the present system that this should cause much concern. The great advantage of the system of choosing by lot is that it eliminates political considerations entirely. Under our system, where the men are selected by the judges or other officials, the best material is often excluded, either not being selected in the first place, or being excused as a matter of political favor. In addition to this, bad material is often selected through pressure for the purpose of obtaining protection for crime, or for the furtherance of propaganda, or of pre-conceived notions. Instances of people being put upon juries, particularly upon grand juries, in order to protect crime, are well known. I do not know that there has as yet been any evil in connection with the seeking of jury service by groups of people having pre-conceived notions, but it is apparent that an evil may easily grow out of this. I understand that many people now seek service for the good which they claim, and which they undoubtedly expect, they can do for the community; but it is questionable whether such people will always be in the right frame of mind for the impartial determination of facts.

There is another topic which I think should be touched upon. It will be seen that many of the existing provisions of the law, and some of the changes we have proposed, are for the purpose of regulating the conduct of the judges, evidently upon the theory that without restrictions imposed upon their conduct, they are not going to be controlled by the best motives in selecting jurymen. It is perfectly apparent that the trouble lies in the fact that the judges must do politics, and this will continue so long as we retain the present barbarous system of giving the office of judge to the best advertiser. (Applause.)

This Club six years ago endorsed the movement for a change in the Constitution of the State, which would provide for the appointment of judges by the Governor, subject to a confirmatory vote of the electorate of the county, district or state, as the case might be, the Club having come to the conclusion, after elaborate discussions of the subject, that many of the present evils connected with the administration of justice would be remedied by a change in our system of selecting judges; and as that action of the Club has never been reversed, it seems to me that it is quite pertinent to point out that many of the evils of the present jury system could be removed if we could succeed in obtaining an appointive judiciary. I hope that the Club is not going to abandon all effort to obtain this reform. The objection is frequently made, when this question is discussed among those who are convinced that the

present system of choosing judges is wrong, that the people are not ready for the change, and that it is, therefore, a waste of time to press it. I believe, however, that the matter should be agitated until the people see the necessity for a change, even if it takes ten or twenty years, or longer. Our Club has just been instrumental in obtaining an amendment to the charter of San Francisco, eliminating the office of Superintendent of Schools from the elective offices, so it would seem that it *is* possible to persuade the people to give up the right of electing a particular official if they can be shown that the system is wrong. This is not the proper time to enter into an argument in favor of the appointive system, but if the appointive system is the proper one, as this Club has already determined, we may assume that under that system many of the judges will work more expertly and more expeditiously; that trials will be shorter and consequently less time in the aggregate will be taken up with jury service, and also that there will be fewer jury trials, because the stronger the judiciary, the more frequently will litigants be satisfied to submit the decision of their case to the judge. An interesting example of this is the case of Judge Dooling, who when he was on the Superior Bench in San Benito County, I am told, tried every civil case that came before him without a jury being asked for by either party. (Applause.)

Discussion by the Meeting

THE PRESIDENT: The subject of the jury system and its defects and proposed remedies is now before the Club for discussion under the five-minute rule. Justice Wilbur is with us this evening, and it would afford us great pleasure to hear from him on this subject.

Remarks by Justice Curtis D. Wilbur

JUSTICE WILBUR: I was very glad to come tonight with the suggestion that I might be asked to speak five or ten minutes on the subject.

THE PRESIDENT: You may have ten minutes, Judge, or more.

JUSTICE WILBUR: I feel very much embarrassed tonight, because I have discovered, not only from reading the proposed legislation, but from the very frank report of your committee, that the proposed evils of your jury system is largely the judge; in fact, that seems to be the only trouble. If that is the case, it is well for the people of San Francisco to consider the personnel of their Superior Court, a subject which I do not feel at liberty to speak on.

I wish to comment on one or two matters that have been suggested here, not by way of criticism, but because of my practical experience in drawing jurors. I tried nothing but jury cases for four years in a civil department, and had two years experience in the criminal department with juries, and also had juries in the insane and juvenile departments during my fifteen years on the Superior bench of Los Angeles county.

For instance, Mr. Hohfeld mentioned a judge who called in one hundred fifty jurors and excused one hundred fifteen. That left him thirty-five, which is all he needed. Now, whether his conduct is susceptible of criticism would depend somewhat on the excuses of the one hundred fifteen and whether or not those names were returned to the term trial jury box to be drawn again when needed.

A jury is a very expensive affair to the public. For instance, it is recommended by the committee that each panel shall be composed of at least thirty-six jurors. In Los Angeles county, after a good deal of consideration, we have decided that we can get along with a panel of eighteen jurors in civil departments, taking care of the eight peremptory challenges by borrowing jurors from other departments. The difference between having eighteen jurors and thirty-six jurors in each of the four departments of the Superior Court of San Francisco for a year would be something like $45,000, a matter that deserves consideration. And it is a very serious question in the selection of jurors how much opportunity should be given to the more arbitrary choice of the attorney in his peremptory challenge. With some lawyers, if they

have a right to thirty peremptory challenges, they do not feel as though they had really tried a case unless they had exercised all the peremptory challenges. I think, therefore, the question of the number of jurors in the panel should be seriously considered, because under our present system jurors can be transferred from one department to the other; and I think it is in the interest of the public as well as of economy to reduce the number of jurors in attendance and if possible give the attorneys jurors transferred from the panels in attendance upon other departments upon whom to exercise their peremptory challenges.

All that the litigant is entitled to is to have twelve men in the box who are unprejudiced in the case and who have fair average intelligence. This saving may be accomplished in a number of ways, but I do not care just now to go into further details.

I would like to make a suggestion or two on the report, and one or two rather more general suggestions. In the first place, what should be the size of the general term trial jury panel? In Los Angeles, if my memory serves me, we have from six to seven thousand jurors on the list each year. A new list is selected each year. Your rule calls for these six or seven thousand people appearing before the jury commissioner on subpoena, as I understand, to enable him to prepare his term trial jury list. It is worthy of consideration whether or not that is a necessary expenditure of time and of labor.

Turning now to the practical question of jury trials; I want to suggest that the time is ripe for a very radical change in the jury system, for two reasons: The sentiment that has kept our jury trial in its present condition grows out of the feeling that the jury is the palladium of our liberty. I remember a senator from Southern California who was commenting upon the constitutional amendment which would permit nine jurors to bring in a verdict in a criminal case. He said that he was against the submission of the amendment because he could not bear seeing his clients go to the penitentiary without the unanimous verdict of the twelve men. To a certain extent it is that sentiment that has preserved the system to us. The plan under which proper cases may be released on probation, I think, will go far to reconcile the people to the idea that in a criminal case a verdict should be rendered by less than twelve jurors. Our practical experience in civil cases has demonstrated, it seems to me, that three-fourths of the jury, that is, nine, may as safely be trusted to bring in a proper verdict, as twelve.

Another reason why in my judgment the people are or will soon be ready for the change is the introduction of the woman as a juror. In passing I might say, I had an interesting conversation with one of the

judges of one of the northern counties of the State concerning the woman juror, in which he made this very startling statement: "When I found out the Legislature had passed a bill permitting women to serve as jurors, I said that the man who introduced the measure ought to be hanged, but, during this war-time conditions, our men have been so busy that we have tried women jurors, and they have been so satisfactory that I do not know what we would have done without them."

The woman juror will have a new point of view. She will be ready for changes, and I take it that the woman voter may be somewhat influenced by the woman juror, and that some of these more or less radical changes of the jury system which the Commonwealth Club and others have been seeking to bring about may readily be accomplished by reason of these new influences.

The fact is that our jury system—and I wish to be careful in what I say—should be changed in some particulars. In the McNamara cases in Los Angeles, where the defendants were tried for the murder of the employees of the Los Angeles *Times,* who were killed by the explosion of a bomb, the judge was some months in getting nine jurors in the box; I have forgotten exactly how long; I think it was nearly six months, whether that was excusable or not I am not prepared to state and would not wish to state. The fact is that when they had the nine jurors in the box it was discovered that three of them had already been bribed; and you are always liable, in cases of great public moment, involving contests between interests such as were involved there, to find exactly that thing happening. The necessity of the unanimous verdict merely puts a premium upon such attempts at bribery.

There is one other feature that I wish to advert to, a matter that has been frequently discussed by lawyers. No doubt there is a great difference of opinion among them, and the report of the committee would not seem to indicate that there is a likelihood of any change along that line. But the jury system of California and of most American states we ought to recognize is not the thing that we have inherited from our forefathers at all. It is a local invention. I refer to the fact that under our state system judges are not permitted to comment upon the facts in instructing a jury. This constitutes a more serious difficulty in the administration of justice than most of us appreciate. Our present system, of course, can be made more or less satisfactory by reason of the nature of the instructions on the law given by the judges. I have had in a criminal case, I think I can say without exaggeration, twenty-four pages of typewritten instructions handed to me by the defendant on the doctrine of reasonable doubt. On the other hand, I

read a portion of the instructions given by the Lord Chancellor of England in the Roger Casement case, and if my memory serves me, the doctrine of reasonable doubt is disposed of in ten lines. In actual practice the judge reads cold statements of legal principles to the jury, sometimes applied more or less directly to the facts in the case, and sometimes they are not even remotely connected with the facts of that particular case. The jury is expected to bridge the chasm between the exact declaration of the legal rule and the actual circumstances involved in the particular case. Now, we do not seem to be willing to trust our judges to comment to the jurors upon the evidence. If we have not sufficient confidence in our judges, we might as well say so.

Let me illustrate just a moment by a case that has passed into history, and therefore I can comment on it with great freedom, and I have no doubt Justice Lawlor, who sits here tonight, could duplicate the experience. It would, of course, be improper for me to discuss the three or four murder cases now on trial in this State, but I think it would be a good plan for you as good citizens to notice what is occurring in your courts in order to understand the verdicts in these cases in which the defense of insanity is interposed, and hence I will use a case which has been fully disposed of. A woman whose lover had become engaged to another woman procured a revolver, and with a woman companion, drove in a cab to the home of the fiancee and there found her lover and his intended bride on a porch. She called, "George, come down here. I want to see you." When he approached her she put the revolver to his head and blew his brains out. She was then driven to the police station where she surrendered herself. On the trial she did not take the witness stand. She had a clever attorney who painted a very tragic picture of her wrongs to the jury, with the aid of several witnesses. The jury acquitted her in less than five minutes. They left the jury box with tears streaming down their faces because of her wrongs, and rushed over and shook the hands of this murderess, in the presence of the bereaved father and mother whose son had been so wickedly slain with malice aforethought.

Now, it seemed to me, as I have witnessed this travesty upon justice, that if I had had a little more freedom under the law, I possibly could have explained the evidence to the jury so that they would have understood the facts a little more clearly than they seemed to. For illustration: Substantially the whole defense of insanity was built on the truthfulness of the testimony of one woman, which formed the basis of the hypothetical questions upon which a physician pronounced her insane. That witness was contradicted in various important details

by many different witnesses. If the judge had been free to point out to the jury the fact that on each of these different vital points, this woman had been contradicted by other witnesses, and had called the attention of the jury to the point that what they were really called upon to decide was whether her testimony was true and that of other witnesses was false, or whether the other witnesses were telling the truth and she was telling an untruth, possibly the jury might have rendered a different verdict.

A great many of the miscarriages of justice arise from the fact that we have tied the hands of the judiciary and do not permit the judges to exercise the intelligence that they possess.

I am throwing this out as a suggestion. I know that a great many lawyers shrink from the idea of giving the judge the power to comment on the testimony in the case. California has been committed from the very first against this power. We are getting along with the present system; in fact, we have to.

These minor reforms concerning procedure I think I need not comment upon. I wish to say, however, that I am astonished, when I read this proposed amendment:

"When the clerk draws the names of jurors from the box, the court, the parties to the case, or their attorneys, may examine any of the slips if they desire."

Why, it seems to me, that that is a matter of course. I cannot believe that there is any court in which that right would be denied to attorneys. It would seem to me that if the attorneys were not permitted to see these slips, we would hardly have a selection of a jury in conformity with the fundamental principles of the jury system. Have any attorneys ever asked this right and been refused?

I note there has been an inclination to excuse the judge of a court in which the clerk is alleged to have had some system of drawing the slips on which jurors names were written, by which he could pick out the jurors he wanted to select. I have no doubt you feel, and probably it is true, that such a judge is not guilty of any intentional wrong; but I say that a judge who permits such a condition as that in his court by his carelessness or indifference or ignorance is not wholly fulfilling the functions of his office. It is well to recognize that and hold the judge responsible.

Here is a proposition that the clerk should be punished for contempt if he fails to include in the venire the names of the jurors that are drawn from the box. It seems to me that the judge is neglecting his duty if he does not himself write those names in the venire or person-

ally see that every one of them is written therein. If the judge is so careless or indifferent that he does not do that, you may depend upon it that he will not punish a clerk for contempt who fails to do it.

Much might be said concerning the selection of the judiciary. I am glad you are interested in the matter. It is one of those problems that confronts every man interested in the administration of justice and one that we are all perplexed about. The whole thing depends in the last analysis upon the character of our citizenship. Perhaps much might be accomplished in the matter of securing good jurors by holding a school for the education of business men as to their duty to serve as jurors. (Applause.)

THE PRESIDENT: I wish to express the appreciation of the Club for the comments that we have just heard from Justice Wilbur. Justice Lawlor, have you anything that you would like to present to the Commonwealth Club on this subject? We would be very much delighted to hear from you.

Remarks by Justice William P. Lawlor

JUSTICE LAWLOR: The title in the Code of Civil Procedure relating to grand and trial jurors describes them as persons specially invested with powers of a judicial nature. It must follow that those chosen for that important duty should be persons of character and intelligence; that they be representative citizens fully capable of meeting so great a responsibility.

We hear much these days as to whether there should be a jury system, or if it would not be better if mixed questions of law and fact were determined by the court alone. Personally I do not see any necessity for a jury in civil matters—the adjustment of private differences between citizens. As a rule individuals do not go to court until they have first failed to adjust the dispute themselves, and my reflections on the general subject lead me to the conclusion that when the matter is taken into a court of justice the differences should be scientifically adjusted according to the law involved. I do not think this is realized in the present operation of the jury system.

In the administration of criminal justice, however, the ends of society may be better served by having the citizen share in the responsibility of dealing with the malefactor than by allowing judges alone to determine the question of the guilt or innocence of persons accused of crime.

It is unquestionably true that there are many miscarriages of justice under the jury system in criminal cases. Frequently where the evidence of guilt is palpable the party is nevertheless exonerated by the

jury. This does not occur so often in the case of the habitual criminal, but is quite common when first offenders are at the bar of justice, even when they are charged with grave offenses and there is no question of their guilt. I have a belief that this result can in most instances be traced to the philosophical idea that where the accused has been withdrawn upon a criminal charge from some legitimate activity that it will be better for him and for the State if he is allowed to return to his legitimate activities than to be languishing in prison where the chances are that his fundamental quality will deteriorate and he will thereafter be of comparatively little use to society or to himself. It is my view that civil issues should be tried by the court alone, but that upon broad considerations criminal charges, involving life and liberty, had better be left to the jury system.

But whatever the merits of the present system, it should be rigidly followed according to the law laid down for the guidance of courts and administrative officers. That the procedure prescribed for the selection of jurors is not always observed, and that serious evils result from this failure, must be admitted. My own impression is that most of the evils complained of are directly due to the failure of courts to carry out the plain requirements of the law, both in making up the jury lists and in the formation of jury panels. In making this statement I speak of no judge in any invidious sense. I simply mean to say that the law is not generally followed in those matters, and that as a result improper material gets into the jury box.

The law as it stands today amply provides the means to secure uniformity in the administration of justice, and if the law is followed there will be less dissatisfaction with the jury system.

I may illustrate the law in the formation of jury panels as I pursued it after I had gained some experience in the trial of jury cases. At the beginning of each year the judges of the Superior Court in San Francisco made up a list of twenty-four hundred names, which were placed in the trial jury box, from which panels for the jury departments were drawn during the year. When a panel was to be organized in any department the court made an order for the drawing, and the trial jury box was produced. The order would be for say one hundred fifty or two hundred names. The drawing was made in open court, and when finished the trial jury box was sealed and locked. After the slips containing the names were drawn out they were arranged alphabetically and so appeared on the order for a new panel. Three typewritten copies of the order and names were made—one for the clerk, which was spread on the minutes of the court, another was attached to the certificate of the drawing delivered to the sheriff, and the third

retained by the judge. The sheriff then summoned the jurors. On the return day the court, after ordering that the return of the sheriff be filed, conducted a hearing in open session. First the pertinent provisions of the law were read and explained to the jurors—what was meant by competent and incompetent jurors, the grounds of exemption from service, which is a personal privilege of the juror which he may or may not exercise at his option, and the circumstances under which an otherwise available juror might be excused—sickness of himself or a member of his family, or injury to his business, and so forth. When this was done the judge, with his copy of the order and the names before him, would direct that ten or twelve jurors be brought forward at a time, administer an oath, and then proceed to examine each one separately, winding up with the question whether he knew of any legal reason why he should not serve. The juror was either ordered on the panel, or excused, in which case the pertinent section of the code was indicated. All the proceedings on the return were taken down in shorthand and afterwards transcribed to meet contingencies.

Supplemental process would be ordered to issue for jurors who did not obey the summons, as well as those whom the sheriff's return stated could not be found. This was repeated as often as necessary. Finally an order on the return was prepared and entered on the minutes which accounted for every name shown to have been drawn as being on the panel, deceased, excused, or could not be found. Every juror on the former panel was then discharged without day, and the trial of cases proceeded with under the new panel.

There was no trouble under this procedure. The right of the juror to serve or to be excused from service was as clear in the records of the court as the right of the judge to sit on the bench. Professional jurors hesitated about trying to get on the panel. Jurors were not excused for slight or trivial cause. They were all treated alike. Every name in the jury box was entitled to be there. The fairness and impartiality of the judge were put to the test in the case of each juror.

A word about the so-called professional juror. The term is generally used in an invidious sense—men who, having the ability to follow an occupation, try to make a living serving as jurors. In the trial of cases they try to please with the verdict first one side and then the other, so that they may not be challenged and thereby kept out of the trials and deprived of the stipend. But in the general category of "professional jurors," men who are really good citizens and satisfactory jurors, are often unjustly included. I refer to law-abiding, self-respecting men who, having saved up something for the future, have retired from active life. In a city like this, among retired taxpayers

will be found many of this class, among them former laborers, mechanics, small storekeepers, and the like. They have some property, pay taxes, and they live in their own homes; may have another house or two, or a row of flats, and are willing to give some of their time to jury work. They are not rich men and they perform their duties faithfully and impartially. There are no better citizens. When away from the court they do not frequent adjacent saloons, drinking with counsel for the parties. They go straight to their homes where they exert a discipline among their children, whom they give a better start in life than they themselves had. In the neighborhood where they live they are respected.

As I said in the beginning, and I shall not continue much longer, the jury system suffers in public estimation because the law is not followed. The proposed change would require a new jury panel every thirty days. In practical operation the court would be kept busy organizing and discharging panels. The jurors should serve long enough to become familiar with their duties. The litigants ought to be able to ascertain by inquiry who will compose the panel when the case is tried, so that they may be guided in the exercise of their legal rights in the formation of a jury. Indeed, the Penal Code formerly provided that a list of the jurors on the panel should be furnished by the clerk on the payment of a fee.

A panel should have a distinct identity and existence. During its life an occasional juror must be dropped. But the panel should not be supplemented by additional jurors. If a given service for the individual juror is made the rule, panels, as such, would cease to have any standing and there would be in their place a constantly changing body of individuals. This would lead to new grounds of challenge in trials, and while it might save the time of jurors the change would not be commensurate with the demands of a proper administration of justice.

I think a panel should serve for from sixty to ninety days and by having it large enough the court in the exercise of its discretion could excuse jurors for a few days at a time because of their business, or for other reasons. I was always able to accede to any such reasonable request, especially on the first, the thirteenth or the twenty-eighth of the month, without interfering with the work of the court. Concessions of this sort tend to reconcile jurors to the service. But I am afraid if we hamper the court too much—there are judges who strictly follow the law as well as those who are careless about it—it will become more difficult to conduct trials and the administration of the law will be embarrassed rather than helped.

Now, whether the panel should consist of eighteen, twenty-seven, thirty-six, or any set number, ought to be left to the discretion of the trial judge. He knows the needs of the court; whether there is one, a dozen, or fifty cases to be tried. The size and duration of panels should be left to his intelligent judgment.

There is one proposal that ought to be incorporated in the statute. It should have been done before. That is, to render a juror incompetent who has rendered service within the statutory period. As it is, the court is without authority to excuse a juror who has served during such period, but does not urge his exemption.

This is such a large subject one can do no more than touch on a few points. I have deep convictions on the subject. A great responsibility is placed on the citizens who participate in the enforcement of the laws. I have found that most jurors are impressed by the solemn procedure incident to their selection, and that if a proper appeal is made to them they will be responsive. Arts and blandishments play a part in jury trials, and intelligence is required in the jury box to see that the case is decided on its merits. I am not contending there is not strong ground for complaint in the operation of the jury system. I know better. But it seems to me that the way to get at the abuse is to see that the courts administer the system within the meaning of the Constitution and the laws of the State.

And, finally, I do not think it is a good thing to accentuate public dissatisfaction with the system unless it becomes necessary to make a change in the laws. My opinion is that the law is sufficient; what it needs is enforcement. The malefactor stands in dread of the law when he realizes that power is placed in the courts to deal with him adequately; and, it seems to me, great care should be exercised in making any change which would tend to undermine the influence of courts of justice. I thank you. (Applause.)

Action on Small Claims Court and Public Defender

THE PRESIDENT: Perhaps before we continue this discussion we might take up the questions that were suggested by the chairman of our section on judiciary, with reference to small claims court and the public defender. It was suggested that the sense of the meeting be taken on those two subjects. If there is no objection the chair will ask for a show of hands on the question of the desirability of making provision for a public defender in the larger cities of the State. Those in favor of that proposition will please raise their hands. Will the Secretary please count?

THE SECRETARY: 29.

THE PRESIDENT: Those opposed will please raise their hands.

THE SECRETARY: Five.

THE PRESIDENT: Ayes, 29, and noes, 5.

On the question of the establishment in this city of small claims courts: Those who favor the establishment of such courts will please raise their hands.

THE SECRETARY: Twenty-eight.

THE PRESIDENT: Those opposed to the proposition will please raise their hands.

THE SECRETARY: I see no hands.

THE PRESIDENT: The vote is 28 for the proposition and none against.

We will now continue the discussion under the five-minute rule.

Remarks by Rolla V. Watt

MR. WATT: There is one point which has not been referred to by any of the speakers. I have done considerable jury duty over the years and willingly, but I do begrudge the time wasted in going out from my office to court and sitting there, either waiting for some other case to be concluded or until minute business is transacted by the court, or while lawyers are wrangling over their differences which must be settled by the court.

Time and again thirty or forty men are summoned to appear in court at 10 o'clock on a given morning and are kept there for an hour or more and then dismissed with instructions to return again at 2 o'clock, when the same procedure is gone through with and the men are instructed to report again the next morning at 10.

My theory is that such experiences make jury duty extremely unpopular with busy men, and that it would be a good deal better for the judge and the officers of the court and perhaps a few lawyers to lose half a day than that twenty-five to forty business men should dance attendance on the court.

I cannot suggest just how this difficulty can be overcome save by the selection of judges who will have some mercy upon the average business man. The average citizen, if he could be called promptly and do the work at once, would not object to serving as a trial juror. (Applause.)

Remarks by A. E. Bolton

MR. BOLTON: I would like to ask Judge Lawlor a question. Is it not true that in a good many instances men are summoned on the jury who never appear and who are never called to appear, and that it has

got to be quite a custom in this State for men to pay no attention to a subpoena?

Remarks by Justice William P. Lawlor

JUSTICE LAWLOR: I cannot answer that question from personal knowledge. As I have already explained, if one hundred fifty names were drawn in my court, every name was accounted for. It may be that a juror could not be located in the city and county, or elsewhere, that he was sick in bed, or his name not in the city directory or in the telephone book; but every name drawn was accounted for in some way.

MR. BOLTON: Does the court deal with every name; isn't it the fact that it is put in the hands of the sheriff and he summons such ones as he thinks might consent to serve, or like to serve, or if he knows some business man he does not see him when he meets him on the street about that time; in other words, is not politics carried into the jury system by failing to reach the men we want?

JUSTICE LAWLOR: Your conclusion would undoubtedly be so. This is true. While I was on the Superior bench I learned that frequently when in the trial of a case which excited notoriety, or for some other reason the resources of the jury panel were exhausted, and a special venire under section 227 would be summoned, after the trial was over those talesmen would be allowed to remain on the panel, where they had no legal right to be, and participate in other trials. I apprehend that what is meant by the terms of section 227 is that when the needs of the particular case have been met all the talesmen that are specially called in should be discharged without day.

Remarks by James M. Hyde

MR. HYDE: As a layman, I would like to appear as an *amicus curiae,* as it is evident from Judge Wilbur's remarks that the court is in need of not one friend but many.

Miscarriage of justice because the judge is not permitted to properly instruct the jury as to facts as well as law is altogether too common. From a very close contact with the courts during years of an intensive and disillusioning education in the practical workings of the law, I have become convinced that what the public object to in the administration of justice (or what is called the administration of justice) is that our legal system is so inefficient—so good at promoting litigation, so unequal to bringing it to a prompt and just conclusion. It has seemed to me as I have watched the system in operation that one of the greatest reasons for its inefficiency is that the members of the bar in particular, and the general public to a lesser degree, are unwilling to permit the judge to properly and efficiently preside in his own court.

It has chanced to be my lot to transact some business in England, and it has been illuminating to see what a different position is held by the English judge, who certainly presides over the administration of justice and is not limited to the function of sitting as an almost impotent referee over a sporting event in which the attorneys appear as the principal contestants.

If the English judge once rules a line of evidence to be irrelevant or immaterial and the attorney again attempts to introduce the same line of testimony, he is brought up with a round turn, and compelled to confine himself to the material actually pertinent to the issue in suit, upon penalty of being refused permission to appear before the court unless he strictly conforms to its rulings. It seems to be generally conceded that substantial justice is rendered more promptly and more surely in England than it is here. The reason for this greater promptness and certainty is the superior position occupied by the British judge, who is a judge in fact and not merely a referee.

One of the many practices which have arisen in this country to undermine true justice is the practice of permitting litigants to make almost unrestricted use of that type of expert witness, who in many cases is a mere soldier of fortune, whose services are for sale to the highest bidder. That it is not necessary for this evil to be so much of an impediment to the attaining of actual justice is shown by an incident which recently happened in this State. Judge Bledsoe was so much impressed by the disparity between the testimony of the experts for complainant and defendant in a suit between the orange-growers of Southern California and a local cement factory over damage to crops from cement dust, that he announced that the court would retain an expert to independently investigate the matter and report the true facts to the court, and that the costs would be assessed among the regular costs of the case. The work of the impartial expert so retained proved so satisfactory to all parties concerned that counsel for both sides joined in a motion to the court, stating that the fee paid to the court's expert was inadequate and that he should be further compensated for the great services rendered.

I believe that the aversion which the average man shows to jury duty is in large part the aversion which any efficient man has against giving his time to any endeavor which is not reasonably sure to accomplish something worth while. He naturally objects to jury duty when he knows that there is great probability that all of his efforts and his sacrifice of time and business are likely to be made to count for naught by one stubborn, thick-headed or venal man upon the jury, who will

steadfastly refuse to participate in rendering a verdict in accordance with the facts of the case.

If I understand history aright, the jury system arose out of the necessity for the protection of the citizen from the tyranny of powerful overlords. No such reason now exists for its continuance. Under our form of government the most important decisions are rendered by a majority vote. To a layman it appears that justice would be more certain if the majority of a jury could render a verdict.

But with the lapse of the tyrannies which were the occasion for the establishment of the jury system, the very necessity for this cumbersome machinery has probably passed away. May it not be possible that justice would be more certain and that our courts would be more respected if more power were given to the judges, and juries were dispensed with altogether? In cases in which a death sentence might be pronounced, the prisoner should have all necessary protection if the case was heard before three judges sitting together.

Judge Wilbur referred to a case in which the jury acquitted a woman who was guilty of a most premeditated and cold-blooded murder. He told us that this miscarriage of justice was directly due to the fact that the judge was prohibited by law from instructing the jury as to the facts brought forth in the testimony of many credible witnesses of high repute, and denied solely by one discredited person. The lawyer for the defendant was permitted to make a highly emotional appeal to the jury and completely becloud the issue of the case, which was, of course, the protection of society at large. Such miscarriages of justice as this are convincing those who are criminally inclined that in America it is perfectly safe to commit the foulest crimes if you are able to retain a lawyer who is able to play upon the maudlin sympathies of a carefully chosen jury.

The history of such cases, and the prevalence of crime should make us consider most carefully if the day has not come when juries actually are a menace to the public safety. We must all of us—laymen, bar, and bench—combine to make the administration of the law as efficient as has become the administration of our large businesses. This duty is particularly incumbent upon the members of the bar, for the law as it now exists is almost entirely the product of the legal fraternity working through legislatures in which they have had predominance of numbers and of influence.

Remarks by J. M. Kepner

MR. KEPNER: May I speak a word as a layman? I believe that it might be possible to get a more equitable way of selecting the original jurors. A great deal has been said tonight about the objection of certain

jurors to service. I think that is due to the fact that the present system does not operate equally with all citizens. I have been in different meetings where the question came up of jury duty and a number of people who have spoken have said they have never been on a jury; one of my neighbors has said he never had served on a jury. On the other hand, there have been people whom I have heard express themselves that they have been called every two or three years. It seems to me that if the system was applied equally to all citizens, you would not have any complaint. You cannot get any better jurors under the present jury system than those originally called, and if you select a class that are inferior or professionals, you are going to have those only to fill your juries from. I think this suggestion might tend to lessen the objections caused by some of those who are called so frequently.

Remarks by Randolph V. Whiting

MR. WHITING: I should like to reply to Mr. Kepner's suggestion and to say this: This committee, when it started out on this work, faced the very question you have suggested, the method to be pursued in getting the most democratic selection of talesmen. It was at first suggested that we take the great register and put all the names on a list or in a box. That was abandoned because it was impractical, because it would bring in a lot of incompetent people; it would bring from their work men who could ill-afford to come and be examined, and altogether it was determined to be unsatisfactory. You can imagine the result if you summoned every man on the great register; for instance, every voter in this city—if you called those people away from their work, the laborer and the busy business man and people who might be blind or who were illiterate, and other incompetent people. That would be the ideal system, because it would be perfectly democratic, if every person were of the same degree of intelligence and education. That plan was abandoned, as I say, and we went back to the present system of making up the original list; that is, by making a selected list, the selection now being made in this city and other places by the jury commissioner in the first instance, subject to the approval of the court. Of course, the ideal commission for the selecting of the list would be the judges of the courts, because they know the requirements and the best classes to select from. That has not proven altogether effective, however, because we know in practice that some of the judges are derelict in their duties—no use disguising the matter, because it is perfectly patent. If we had the ideal judges that have been referred to by Judge Wilbur and Judge Lawlor, those things would not occur. But these things are made necessary in many cases by the dereliction

of individual judges, not all the judges, nor perhaps a large proportion of them, but we are compelled to pile one law upon another to correct evils that should not exist in the first instance.

If you have some suggestion to make as to the selection of the original list, the committee would be very glad to hear it. We have given the subject a great deal of consideration and cannot do better than we have done.

Remarks by C. C. Boynton

MR. BOYNTON: It seems to me that Mr. Hyde put his finger on a very fundamental thing when he drew attention to the fact that the original function of a court of justice was to protect the citizen from tyranny. The courts of justice were brought in as a substitute for force to ward off oppression, and what is the result? When you sue a man, you practically charge that man with wrong-doing, with oppression, fraud or tyranny. I have quite a large family of children and I observe this, that when one of my children says or does an unkind thing to his brother or sister, the brother or sister's tendency is in almost every case to retaliate in kind; instead of setting a good example he follows the bad example. Men and women are but grown up children and the consequence is, when a man is sued, when he is hailed before his fellows and charged with wrong-doing, he immediately retaliates in kind—an eye for an eye and a tooth for a tooth is the eternal human tendency. Therefore, I feel that we, as a State, have gotten beyond the time of protecting a man by extending to him forthwith the privilege of charging another man with wrong-doing. Before a man should be privileged, through machinery furnished by the State, to charge a fellow man with wrong-doing, the State should require and furnish the machinery for a preliminary effort at conciliation. The State should supply an officer whose function should be in the first instance, before any charges of wrong-doing are permitted, to require that man to summon the other party before a tribunal whose duty it would be, not to coerce, but to appeal to what is noble and high in the character of both parties before the feeling of anger is aroused and before a reconciliation becomes impossible by reason of the anger and resentment that is brought about by the public force and condemnation of a law suit. Therefore I feel that a small claims court is a step in the right direction, and I feel that the principle underlying that court should be applied in the same spirit to all classes of controversies.

This plan has been abundantly tried out and with great success. This system is in vogue in the Scandinavian countries and has been for more than 200 years in use in Norway and Denmark. There before a man is permitted by the State to sue his fellow man, he is required to

summon him before a public conciliator, and what is the result? Eighty-five per cent of the cases that are brought before the conciliator are adjusted on a friendly basis. We have got beyond the age where the great need of a person is protection from tyranny, and we have got to the point where the State should supply an instrumentality for the adjustment of controversies in a constructive way.

Remarks by A. E. Bolton

MR. BOLTON: Mr. Chairman, we have a senator from the country here whom we have known for some time, and should like to hear from him. I refer to Senator Dennett. I would like some instruction. I served on this jury committee and I knew less after it than when I commenced, and I believe we all know less about the jury system than before we came in.

Remarks by L. L. Dennett

MR. DENNETT: I am afraid that my condition is very similar to my friend who has just spoken. I think every session I have been in the Legislature we have had before the judiciary committee some proposed reformation of the jury system and after the judiciary committee was through debating the question we all came from it with a much more cloudy impression than when we commenced.

Personally I feel this, that the more automatic you can make the question of the choice of the jurors—the more you can remove from the judge and from the lawyers the possibility of personally influencing the choice of jurors, the more nearly you will approximate its purpose. As Judge Wilbur said, the only right of the litigant is to have twelve impartial men to pass upon the facts, and I rather favor the suggestions made tonight as tending in that direction.

It has appealed to me that if some system of choice by lot, say alphabetically, so as to reach the democracy spoken of by the gentleman there, could be devised, it would be the ideal system.

Of course, as to the cow counties, as my friend Senator Burnett said, we are not seriously concerned with the jury system, because it works out reasonably satisfactorily in the homogeneous American communities, with judges of wide experience and acquaintanceship with all the people. But even there we have the same problems in kind but less in degree that you have in the big cities.

I am free to say that after the discussion this evening I have not any clearer convictions of what we ought to do than I had before. I realize that this question must be met. The trouble is that since your problems in the city are somewhat different from those in the country, there may be a tendency not to pass any legislation which

will impose upon the country, for the benefit of the cities, burdens that the people of the country feel that they should not be compelled to accept, and they are reasonably satisfied with the present jury system.

The same thing with your public defender. That came up before the Legislature a few years ago and was defeated on the ground that while a public defender was very necessary for the wicked cities of Los Angeles and San Francisco, the very moral cities such as Fresno and Modesto did not require it.

Remarks by A. E. Bolton

MR. BOLTON: Would it strike you favorably if in the large cities—in your experience as a legislator and an attorney—that there should be a commissioner or commissioners in the city who would be appointed and who would be responsible for the jury system, in the selection of the jury and returning them to the court, so that you can have some one to put your finger on?

Remarks by L. L. Dennett

MR. DENNETT: It seems to me that may be a solution. My natural reaction is against the appointment of a new officer, and yet I do not know how else you can reach it, unless you have some responsible individual charged with that particular duty.

Remarks by J. M. Kepner

MR. KEPNER: Might there not be, if this commission is appointed, a limitation as to how often a man could be called so that he would not have this condition which exists in San Francisco where a number of people are called more frequently than others?

THE PRESIDENT: The hour for adjournment has now arrived, and unless there is an objection, we will now stand adjourned.

TRANSACTIONS

OF THE

COMMONWEALTH CLUB

OF CALIFORNIA

Vol. XV September 1920 No. 7

Election Laws

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TRANSACTIONS
OF THE
COMMONWEALTH CLUB
OF CALIFORNIA

VOL. XV SAN FRANCISCO, JANUARY, 1921. No. 9

ELECTION LAWS

During the year 1920 the Club's Committee on Election Laws investigated several problems connected with the State's election machinery, and in view of the approaching session of the Legislature requested permission to report at the Club meeting of December, 1920. At that meeting the committee presented its conclusions on the following questions that had been raised:

1. The wide-spread failure to vote on the part of the citizens. Believing this to be a serious evil in a government based on universal suffrage the committee recommended a mild form of compulsion to vote by imposing a poll tax of five dollars on all residents, with the customary exceptions, and exempting those who voted at all elections during the preceding fiscal year.

2. The definition of residence which compels a citizen to choose as his voting residence the place where he sleeps although his interests may be much greater in the place where he carries on his business or employment. The committee recommended a change in the legal definition of residence which would permit him to choose between the two places for purposes of registration and voting.

3. The difficulties of guarding against fraud in the count of ballots in a great number of scattered precincts, especially in the large cities, when the counting must be carried on through an entire night and often longer. The committee proposed to meet this by permitting the authorities in charge of elections to provide for counting the ballots at a central place.

4. Complaint having been made of the unnecessary expense involved in a new registration every two years, the committee recommended that the registration remain for six years, with provision for the removal of names of those not voting.

5. The objections raised to the law permitting nomination or endorsement of candidates belonging to another party being considered of weight, the committee recommended that a political party be forbidden to nominate as its candidate a person not a registered voter of that party.

The recommendations were made to the Club meeting of December 16th by Chairman Wm. H. Jordan on compulsory voting; by Hon. Henry M. Owens, on choice of voting residence; by J. H. Zemansky, on counting of votes and registration; and by Francis V. Keesling, on restriction of nominations.

The members present at the Club meeting by divided vote approved the recommendations of the committee and the questions were sent to a post-card vote of the Club (January 1, 1921) with the following result, to January 10th:

	Yes	No
Total ballots cast (Jan. 10th) 962		
1. For compulsory voting (imposing $5 poll-tax with exemption for those who have voted)	644	266
2. Permitting choice of voting residence	580	310
3. Permitting count of ballots at central office	702	138
4. Registration every six years	661	227
5. Forbidding nomination of candidates registered with another party ..	559	303

The Secretary was instructed to canvass all ballots received to February 1st and to include the final figures in the Progress Report. (Transactions Vol. XV, No. 10.)

Meeting of December 16, 1920

The regular Club meeting of Thursday, December 16, 1920, was held at the Hotel St. Francis at 5:30 p. m. Following the dinner and business meeting the annual election of officers was held, which resulted in the choice of the following: President, Thomas Danforth Boardman; Vice-President, Frank P. Deering; Governors (three year term) W. V. Stafford, Frederick Whitton; (unexpired term, two years) E. T. Thurston; (unexpired term, one year) Max Thelen.

At the business meeting President C. E. Grunsky read his report on the year's activities of the Club with his recommendations for future work, which was ordered printed in the Progress Report. At the conclusion of the recess he called the members to order as follows:

Remarks by President Grunsky

THE PRESIDENT: The topic of this evening, "Needed Changes in the Election Laws," is one of unusual importance, and deserves the Club's most earnest consideration. I shall ask the Chairman of the Section on Election Laws, Mr. William H. Jordan, to talk to us on the work of the section and on compulsory voting.

Report on Compulsory Voting

MR. JORDAN: The Committee on Election Laws has had during the year a large number of meetings and has considered carefully the various matters that have been presented to it. Some of these matters have already been presented to you and you have acted upon them. The remainder of them—five in number—are now to be presented, and to me has been allotted the matter of presenting the topic that has been suggested by the President, that of compulsory voting or bringing about as a result the largest possible vote at our elections.

It is an old maxim found in our ancient law books and repeated in our literature that "A king can do no wrong." Of course, he could not at the time that this maxim originated, since he was an absolute monarch, whose decisions upon all matters were final and from whom no appeal would lie. In a sense this saying is true in our republic, but it must be expressed in a different form, such as "The people can do no wrong." When they have spoken upon any question submitted to them, the decision being final must be right. It is the law, and we must accept it.

The *vox populi* lawfully expressed always governs. The *vox populi,* however, sometimes gets very badly twisted, and often gives forth an uncertain sound, so that instead of being the voice of the people it becomes the voice of a small minority. This has been found to lead to

most mischievous results, which must be corrected if the will of the people is to be correctly registered. It can only be corrected by correcting the habits of those entitled to vote.

One of the great problems connected with our form of government has been the difficulty in getting the people to exercise their elective franchise. Since the foundation of the republic countless elections have been lost to good government by the failure of right minded and otherwise patriotic citizens to go to the polls, while for like reasons many bad measures have been put through and objectionable men elected to office.

Your Committee upon Election Laws has been asked to recommend a remedy for this evil. The problem has not been found an easy one. At the outset we recognized the principle that to induce a citizen to exercise his elective franchise he must be impelled by one of three motives:

1. By a sense of patriotic duty;
2. By the fear of punishment; and
3. By the hope of reward.

The appeal to patriotism sounds well and reads well, but our experience in the past shows us that it has too often failed to produce results. A lack of interest in the immediate issue involved, or a rainy day, or attention to private affairs, has too frequently been found to extinguish the fires of patriotism and cause the loss of an election. It is a reed too weak to lean upon, and we must find some stronger incentive if the evil is to be corrected.

Personally, I am of the opinion that the rod of punishment is better than the reed of patriotism to induce people to vote, but I recognize the fact that were our Legislature to enact a law providing a penalty for a failure to vote—as our Constitution now stands—would be idle, since it would be unconstitutional, the exercise of the right to vote not now being a legal duty, but merely a constitutional privilege, and no man may be punished for a failure to do that which is only a privilege, the exercise of which is subject to his pleasure. It is only when one fails to discharge a statutory duty that the law can punish him. My own thought, therefore, would be to so amend the constitution as to make the exercise of the elective franchise a *positive duty* resting upon every qualified citizen. Then the Legislature could provide for the enforcement of that duty and thus compel every one who enjoys the protection of the Government and the blessings of our institutions to discharge that duty by going to the polls and registering his or her vote upon all public questions, as every loyal American should. I firmly believe that one who will not vote cannot be called a good citizen, and

that if he cannot show a justifiable excuse for his neglect of that duty he should be punished and thus made to bear his share of the burdens and responsibilities of the Government.

My views upon this subject, however, perhaps are at this time too radical. At all events they did not prevail with your Committee upon Election Laws. In their judgment the wiser course has seemed to be to offer a reward as an incentive to induce the exercise of the franchise by levying a substantial poll-tax upon all qualified citizens, and then to remit this tax in favor of all those who can show that they have been to the polls and voted.

As the Constitution now forbids the levying of any poll-tax whatsoever, save upon aliens, the proposed measure would repeal that provision and amend Section 12 of Article XIII by directing the Legislature to enact a law levying a poll-tax upon all inhabitants between the age of twenty-one and sixty years, except paupers, idiots, insane persons and Indians not taxed; this tax to be remitted upon presentation to the collector of a certificate from the registrar of voters, or from the county clerk in counties where there is no registrar, showing that such person has voted at all elections held during the present fiscal year, or has filed an affidavit showing that he or she was unable to so vote by reason of absence from the county upon business, or by serious illness at the time that such election was held; such tax when collected to be paid into the State school fund. It is, as I have just stated, the purpose of this proposed law to hold out an inducement to all persons to vote by remitting a tax which they otherwise would have to pay.

Your committee has not been unmindful of the fact that of all the taxes ever levied upon our citizens the poll-tax has always been the most unpopular, since it is a direct charge upon the mere fact of existence—the right to draw the breath of life—and also since its collection in the past has often been attended by unexcusable oppression, and unjustifiable favoritism. This very unpopularity affords, in the view of your committee, a very strong reason why it may be utilized to remedy the existing evil. If voters would avoid the payment of the tax, the way is open—*go to the polls and vote.* Surely, the man or woman who wilfully fails, or thoughtlessly neglects to take the trouble to vote, should not complain of having to pay a tax of $5 for the indulgence of such wilfulness or neglect, and let the public schools have the benefit of it.

The history of the poll-tax law in this State is instructive. There was no provision for it in the Constitution of 1849, so in 1872 the Legislature enacted a law levying a tax of $2 upon every male inhabitant of the State over the age of twenty-one years and under the age of sixty

years, except paupers, insane persons and Indians not taxed, and if not paid by the first Monday in July this tax was increased automatically to $3. Its method of collection was unique. The county treasurers were required to sign and deliver to the county auditors a bunch of receipts, the number requisite for the purpose being estimated. The auditors then likewise signed these receipts and delivered them to the assessors. The assessors collected as best they could, and if one liable to the payment of the tax refused to pay upon demand the assessors were authorized to seize and sell, upon only three hours' notice, any of the delinquent's personal property that an assessor might lay his hands upon. For the purpose of collection the assessors appointed deputies all over the State, who were nothing more than collectors, and who received a commission upon all sums they collected of from fifteen to twenty-five per cent. These collectors were authorized to collect the tax from any person who was indebted to the tax payer, and he in turn was authorized to deduct the amount so paid by him from the debt owing to him by the person liable. This often worked a great hardship upon the ignorant and unfortunate, since the possession of a receipt was made by law *the only* evidence of payment, and these were often caused to mysteriously disappear, and in their absence a second payment enforced. Chinese in particular were the favorite game of these collectors, and incidentally it may be observed that they yearly collected from more Chinese than ever crossed the ocean. Again, the ignorant, particularly the Chinese, were often compelled to pay several times over by having the tax collected from their employers every time they changed jobs.

Seven years after the adoption of this law by the Legislature, the present Constitution was adopted and a poll-tax provision was inserted by adding Section 12 to Article XIII. It was in the following language:

"The Legislature shall provide for the levying and collection of an annual poll-tax of not less than $2 on every male inhabitant of this State over twenty-one years and under sixty years, except paupers, idiots, insane persons and Indians not taxed. Said tax shall be paid into the school fund."

This provision, it will be observed, was practically the same as the legislative act of 1872, except that it added "idiots" to the list of persons exempt. When the codes were adopted in 1880—the following year—the Legislature, in obedience to this provision of the Constitution, virtually re-enacted the Act of 1872 (plus the provision as to idiots) and embodied it in Section 3839 of the Political Code, and there it remained unchanged, except by a slight amendment made in 1909,

changing the date of delinquency from July to August, until the amendment to the Constitution voted by the initiative of November 3, 1914, which expressly prohibited the levying or collecting of any poll or head-tax for any purpose whatsoever.

The adoption of this amendment to the Constitution was undoubtedly the expression of the people's disapproval not only of the character of the tax, but also of the flagrant abuse which had prevailed for years in the manner of its collection. At the recent election this provision of the Constitution was repealed and Section 12 of Article XIII was changed to provide for a tax of $4 upon aliens only, with the exception of paupers, insane persons, idiots and Indians not taxed.

It is the purpose of the measure now presented to you by your committee to strike out the recent constitutional amendment and provide for the levying of a direct tax of $5 upon all inhabitants between the ages of twenty-one and sixty years, and not exempt—*including aliens*—and to remit payment of same in favor of all qualified voters who shall present a certificate from the registrar of voters, or the county clerk, as the case may be, showing their exemption.

The proposed act is in the following language:

Section 12. The Legislature shall provide for the levying and collection of an annual poll-tax of five dollars on all aliens and likewise on every inhabitant of the State of California between the ages of twenty-one and sixty years. Provided, that if such inhabitant shall obtain and present a certificate from the registrar of voters, or, from the county clerk in places where there is no registrar of voters, showing that he or she has voted at all elections during the preceding fiscal year, or, has filed with such registrar, or clerk, an affidavit sworn to before an officer authorized to administer oaths, and stating that he or she had been unable to so vote owing to absence upon business from the county in which he or she resided at the time of the holding of such elections, or was at such time prevented from voting by reason of serious illness, then, in either of such cases, such certificate shall be accepted in lieu of the payment of such tax.

All paupers, idiots, insane persons and Indians not taxed are exempt from the payment of the tax herein provided for.

Said tax shall be paid into the state school fund.

Section 12 of Article XIII as adopted November 2, 1920, is hereby repealed.

This amendment, it will be observed, retains the law enacted by the people last November, levying a poll-tax upon all aliens, but increases the amount from $4 to $5, and at the same time directs the Legislature to levy a tax of $5 upon all inhabitants, save those in the disability class, who are between the ages of 21 and 60 years. It is fair to suppose that after one has attained the age of 60 years his habits will have

become so well fixed, and his patriotism so pronounced, that there will be no need of the exercise of compulsion, or the giving of a reward, to induce him to go to the polls and exercise his right as an elector. To what extent the proposed law will remedy the evil now existing, we, of course, cannot tell, but your committee believes the experiment well worth trying, and hence have unanimously recommended its adoption.

Remarks by President Gransky

THE PRESIDENT: In continuation of the subject this evening two papers have been prepared by J. H. Zemansky, Registrar of the city and county of San Francisco, but Mr. Zemansky is in the East, and in his absence these papers will be presented by Mr. Cameron H. King of the Registrar's office.

Counting Ballots and Registering Voters

MR. KING: Mr. Zemansky was to report here this evening upon a proposition to amend the laws of the State of California so as to provide that in any county, where the board controlling elections should so desire, they might count the ballots cast at the general or at any special election in a central counting bureau, instead of having them counted as at present in the respective precincts in which they are cast.

The present system of counting ballots is very unsatisfactory. The election officials in the city and county of San Francisco, the Registrar of Voters, and the Election Commission, find it difficult to get the proper officers to attend to the election. In the first place, the elections are long-drawn-out affairs. Sometimes the services of the officers of election will last continuously from half past five in the morning all through the day and all through the next day until the early hours of the succeeding day. At this last election the last precinct which brought in its returns had been out forty-four hours. Forty-four hours of continuous work is too much to expect from any officer of election, especially when the pay is only $10.

Now, that condition is known to those who are ordinarily summoned to serve as election officers, and the result is that we have the utmost difficulty in getting persons to serve. It is true that the registrar is armed with the authority to compel service, but that is a very difficult thing to enforce. At the same time we find that frequently when we do get officers to serve they are not the best and most efficient officers that might be obtained.

A large number of women are employed at the present time as election officers. They do their work probably as well as the men in many instances, and yet it is hardly right to ask a woman to bring in a ballot box or one of those large supply cases weighted down with unused ballots and the other supplies of the election, especially when the election count takes until the early hours of the morning.

It is therefore necessary that on every election board at least half of the officers shall be men. This restricts the election office to those men who can take time from their business or their employment. And if a man has to give not only all of one day away from his place of employment, but finds that he is working far along into the night so that he is unfit for business the next day, naturally he is unwilling, if he is his own boss, to give up his employment, and if he is employed he finds that his employer is unwilling to allow him so much time off.

The present system fosters a great deal of inaccuracy in counting. That the count is as accurate as it is, is really a tribute to the devotion and the integrity of our election officers. But you will all realize that

they work under poor conditions—the dim light of the booths, the cold that afflicts those places in the early hours of the morning, and with tired clerks who do not start to tally until they have been working thirteen hours. Under those conditions accuracy is something that is almost impossible. We have had instances coming into our office of tally sheets showing upon the face of them that the election officers simply got tired and disgusted and did not tally the end of the ballot on questions that were regarded by them, and by perhaps the public generally, of not the highest importance. Such instances happened in one or two cases in this last election, when we had a long ballot. And with all of the clerks there is a natural impatience and a natural carelessness that comes to men and to women who believe they are overworked and underpaid. When you get that condition of affairs you are not getting good tallying.

In our municipal election we have removed this by having the ballots all brought to a central counting bureau, and it has been proposed in the law drafted under the auspices of your Club to make it permissory for every county or any city or any other political subdivision that has charge of elections, by a resolution of the appropriate board passed twenty-five days before the election to have the ballots all brought into a central bureau and counted.

Now, this law provides in the first place that this resolution shall be passed by the body with the appropriate authority. It further provides that there shall be two sets of election officials: In the first place, an election board of four members, one inspector, one judge and two clerks, who shall conduct the polling of the vote in the precinct, and immediately upon the closing of the vote at seven o'clock they shall take the ballot box, seal the mouth of it, lock it, and proceed forthwith to the central counting bureau. Here in San Francisco our central counting bureau the last time was at the Auditorium, and the ballot boxes began arriving within a very few minutes after the polls closed. The law provides, of course, for the proper safeguard in transit—that at least two officers from each precinct shall bring the ballot boxes in; that the ballot box shall be sealed and locked, and that neither the box nor the key shall pass out of the possession of the election officials, and they shall proceed continuously to the central counting bureau.

At the central counting bureau a new force of clerks is provided to do the tallying. When the precinct election officials deliver the ballot box at the central counting bureau and receive their receipt for that, they are free; their day's service is done; they have served some thirteen or fourteen hours, and they are finished. The work is then taken up by counting boards of three members each, one caller and two

tally clerks. The tallies are kept in two books. One book is sealed—just as the books are at the present time sealed in the precinct; the other tally sheet or book is preserved open for inspection in the office of the registrar or of the county clerk for six months succeeding the election.

It is proposed that the election officials in the precinct shall not receive as much pay as they do at the present time, because their service will be much lighter. For the payment of the tally clerks in the central counting bureau it is proposed that they shall receive a compensation per ballot tallied. In this State there is an average of 160 votes cast in each precinct and the maximum rate provided in the law is 5 cents per ballot. If that rate per precinct held throughout this city it would save over the present cost of election approximately $6 per precinct. It is not much of a saving, but still some slight saving. However, in some of the larger cities the rate per precinct exceeds that throughout the State. In San Francisco it is an even 200, which makes the cost of the system under the central counting system equal to that of counting the votes in the precinct, where the officials number six and are paid $10 per officer. In the county of Los Angeles the number is also about 200. In the county of Alameda they have crowded some 250 voters into a precinct, and there possibly the cost would somewhat exceed the cost of the present system.

But the advantages of central counting would much more than offset whatever greater cost there might be. That is to say, in the first place you have your clerks continually under your control; they are subject to removal and to direction by the registrar or the county clerk or his authorized deputies. The counting is brought together at one place where every one can be observed. There are no little precincts back in the jungle some place where men, not being watched, may tamper with the results, and the conditions of the work are such that the clerks can be provided with plenty of light, with a warm room, in which they can work efficiently, and the clerks themselves will be, as we have found them to be here in San Francisco, wider awake, less tired and more efficient generally. We have found that we could get young men who could stand the strain. We have found that we could get clerks engaged ordinarily in the daytime in their various occupations and who could not get off to serve all day, but who can come in the evening and work there practically all night, as long as necessary to complete the count. These are the chief advantages of the system.

We believe it will be entirely guarded from fraud. The public can be accommodated; while perhaps not as many as can be accommodated, as may be accommodated in each booth, still plenty can be accommodated to guarantee an honest count. Those of you who have had expe-

rience know that after ten or eleven o'clock the counters in the precinct booth are unwatched absolutely, except for a chance stray visitor. Ordinarily the people that come in and watch get tired before midnight and go to their rest, so that the counting of the votes and the watching by the neighborhood watchers really becomes a farce in any prolonged election.

Now, that is about all that I have to report upon the question of counting in a centrally located bureau. The provisions of the law governing the officers, of course, are substantially the same as the provisions of the law governing the officers that count ballots in the precinct booths.

REGISTRATION FOR SIX YEARS.

The second proposition which is to be presented to you is the question of prolonging the term during which a registration shall be valid, from two years to six years.

The cost of registration in the city of San Francisco at the present time amounts to about 12 cents per name, when it is taken under the system that has been in vogue for the last four years. At the present time we have biennial registrations, and to register 200,000 voters, it costs, for taking the affidavits and bringing them into the office, some $25,000 for every biennium. The manifest saving that would result from extending the period of registration from two years to six years would be $50,000 in that period of time. You would save $25,000 every two years. The saving in checking and filing would be some $10,000 more.

There is, of course, another side to the question. We have a great many removals in our large cities. Here in San Francisco during the past six years there have been reported in the office 100,000 removals of residence. Beginning with a registration of 174,000 in 1914, the removals since that time number 100,000, and there are, of course, a great many removals which are not recorded at all; that is to say, the cancellation of registration at the end of every odd-numbered year and the new registration which is begun in the even-numbered year, leaves a space, a hiatus in which people move, and in which we get no record of that removal except from the new registration itself. Now, while these 100,000 removals would have to be attended to anyhow, as they are attended to under our present system of registration, still there would be a certain additional number of removals. For instance, this year, out of the two hundred odd thousand registrations in San Francisco, we have received back from the post office 30,000 envelopes which the post office returns to us with a note on them that the people cannot be found at the address given. Now, those 30,000 are removals.

Some of them have possibly re-registered—not many, however; and that is a feature of the situation which under this six-year registration would have to be dealt with. That would add somewhat to the cost of the registration and reduce this $25,000 saving per biennium in a certain degree.

We also have provided in this law, in order to keep the register clean, a proviso that when it appears from the rosters of voters and registers, that persons registered did not vote during the preceding two years at any general primary or special election, their registration shall be canceled. Of course, under this system, registration would be open at all times for new-comers, but the compulsory new registration every biennium would be saved, with a resulting saving to the treasury and probably quite as clean a register as under the present system. (Applause.)

THE PRESIDENT: On another very important phase of this question, on the choice of voting residence, we will now hear from Judge Henry M. Owens.

Choice of Voting Residence

JUDGE OWENS: Your Committee on Election Laws, with respect to residence and place of registration, beg leave to report as follows:

When the existing laws with respect to registration were developed in this country, they were closely related to the habits of the people. In those days transportation was slow, and men moved about but little. The merchant and the mechanic lived in or near their shops; there were few who dwelt beyond walking distance from their employment on account of the lack of transportation. Both the dwelling and the workshop lay within the same political jurisdiction. The day of swift transportation was a thing undreamed of. Since that time we have seen the railroad, the steamboat, and the swift-moving motor vehicles come into existence, and yet the law of residence remains the same, which was declared substantially as follows:

"It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he returns in seasons of repose." (Political Code of California, Sec. 52.)

"The place where a man's family resides must be held to be his residence." (Political Code of California, Sec. 1239.)

When these sections were adopted, the above principles worked satisfactorily, for there was rarely a conflict between the interests of an elector in his home county and his place of employment. They were usually under the same local government. With the up-to-date methods of transportation and the increase of wealth, this condition necessarily changed. The residence area broadened from the walking distance, and changed in many instances from one county to another, while today we are confronted with men employed in one county and residing in another, working at their trades; and again we have men who are interested in large manufacturing establishments in one county, with their residence forty and fifty miles away, and in some instances a county intervening.

Therefore, the interests of men in their local government are divided between two jurisdictions. It may indeed happen, that almost all of the working life of a citizen may be spent in his place of business, and all his interests in political administration concentrated there, yet he has not the privilege at the present time of voting for the officials whose acts will have the most vital effect on his business. He may own thousands of dollars worth of property, and have large amounts invested in his business, his property and business be taxed for bond issues, without him even having an opportunity to vote thereon.

This situation has been recognized in other countries. In the United Kingdom a citizen may vote wherever he possesses a freehold, or a

leasehold, or occupies lodgings of a value of not less than ten pounds per annum. He can vote in as many districts as he owns a prescribed amount of property. Belgium, Hungary, Holland, and a number of other countries allow plural voting for the purpose of enabling the citizen to vote wherever his interests are concerned.

Plural voting, however, arouses much objection, and the campaign cry of "one man, one vote," can attract a great deal of attention. The objection urged, however, is to allowing a man more than one vote for representation in the same body—as for instance, voting for a member of the Legislature in more than one district, and not to voting for local officials who may affect property owned by the citizen.

Your section has not discussed, nor does it recommend any plan for allowing citizens to vote for local officials wherever the citizen may own property. It has, however, considered and approved the principle of permitting a citizen to choose between his home and his place of employment or business, as a place from which to register and vote. We believe it is obviously just and fair that the citizen should be entitled to select the place where his greatest interests lie in determining where he shall cast his vote.

The present system does deprive many citizens of the right to be represented and take part in selecting the officials of the government that taxes their property. It is to our minds a small concession that permits a man to say whether the government of the place where he sleeps, or the place where he is employed or is engaged in business, is the most important to him.

Your section therefore recommends such changes in the definition of residence, as will permit the citizen who sleeps in one place and earns his living or carries on his business in another, to choose which place shall be his voting residence. For instance, the man who is engaged in business in the city and county of San Francisco, may have his residence and his family residing in the county of Alameda, or the county of Marin, or the county of San Mateo, and in a great many instances, in the county of Santa Clara. In each of those places he may own his residence only, yet in the city and county of San Francisco he may have a million dollars invested. Therefore, in order to permit a citizen to choose his voting place between where he sleeps and the place where he works or carries on his business, it will be necessary to amend Section 52 of the Political Code of California, defining residence, and Section 1239 of said code, establishing the rules for determining residence. We submit the following draft of amendment, and recommend its adoption.

Section 52. Amend paragraph 1 of said section to read as follows:

"1. It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he returns in seasons of repose; except that for purposes of registration and voting a citizen may elect between his place of employment and his place of repose."

Amend paragraph 5 to read as follows:

"5. The residence of the husband is the residence of the wife; except that if for purposes of registration and voting the husband elects his place of employment as his residence the residence of the wife shall be determined by paragraph 1 of this section."

Section 1239. Amend paragraph 1 of said section to read as follows:

"(a) That place must be considered and held to be the residence of an elector to which he habitually returns for the purpose of repose, or to which he habitually returns for the purpose of his employment.

"(b) An elector must at the time of registration choose his residence between his place of repose and his place of employment, and statement of such choice shall be recorded upon the certificate of registration.

"(c) An elector may for the purpose of voting have but one residence.

"(d) When an elector has chosen his place of repose as his place of residence for the purpose of registration and voting, he shall not change his choice to his place of employment (or vice versa) until the cancellation of the entire register and the opening of a new registration in accordance with law." (If, however, the registration laws are changed from what they are at the present time, then it is suggested that the above section should read as follows: "When an elector has chosen his place of repose for his place of residence for the purpose of registration and voting, he shall not change his choice to his place of employment or vice versa, until one year after the date of said registration.")

Amend paragraph 7 to read:

"7. The place where a man's family resides must be held to be his residence for the purpose of repose; but if it be a place for temporary establishment of his family, or for transient objects, it is otherwise."

Amend paragraph 8 to read as follows:

"8. If a man have a family fixed in one place, and he does business in another, the former must be considered his place of repose and the latter his place of employment; but any man having a family who has taken up his abode with the intention of remaining, and whose family does not reside with him, may claim residence at such abode."

THE PRESIDENT: Mr. Francis V. Keesling will now present his views and the views of the section on changes in the primary law.

Amendments to the Direct Primary Act

MR. KEESLING: I have been appointed by the chairman of your Committee on Election Laws to report and offer argument in support of proposed amendments to sections 5, 7, and 17 of the primary law as approved in 1913 and subsequently amended at various times to and including May 7, 1919.

The committee has proceeded with two purposes in view: first, to clarify the law, and second, to improve the primary law by strengthening party integrity.

We will first consider amendments recommended as declaratory of and clarifying the existing law:

Subdivision 9 of section 5 is amended by inserting a provision that a candidate who is defeated for his own party nomination at primary election shall be ineligible for nomination for the same office at the ensuing general election either as an independent candidate "or as a candidate of any other party." This more clearly defines the primary law as construed by the Supreme Court in the case of Heney v. Jordan, 179 Cal. 24.

It is proposed to amend section 17 by inserting a requirement relative to declaration of party affiliation in the following words, "and by declaration of the political party with which he intends to affiiliate." This is declaratory of the law as construed by the Supreme Court in the case of Don vs. Pfister, 172 Cal. 25, after the referendum in 1915, when the people decisively defeated the proposed non-partisan primary laws, the court stating: "We are satisfied that it must be held that it was the intent to make this section (viz.: 1096 of the Political Code, providing for declaration of party affiliation) as it then stood, in so far at least as this matter so vital to the maintenance of the act is concerned, an integral part of the primary law itself, and for so long as such primary law required registration to show party affiliation." The people have emphatically declared, not only in 1915, but again in 1916, at referendum elections, in favor of partisan primary.

We have now for consideration amendments which, if adopted, will effect important changes in the primary system:

Your committee is convinced of the necessity of party integrity consequent upon a careful consideration of the many factors that must receive consideration in the determination of any such important problem. It is not possible, within the time limited, to offer complete argument in support of the recommendations of the committee. We must be satisfied with more or less general statements supporting the action of the committee.

Nothing has yet been devised by political thinkers to take the place of the party system in our governmental affairs. There has been much loose talk concerning the substitution of the man in the place of party. Careful consideration and reflection before making such utterances would have led them to the conclusion that the only way to attain that desired objective, the man, is through the party. Parties will offer just such men as represent those who are interested in government. Government must be stable, and the people cannot select candidates for office upon individual platforms, with the necessary conflicts which would be bound to exist as result of the thousands of candidates; nor can the people be subjected to the whims of the individual, bound by nothing but his own personal judgment. The great issues must be declared by the parties. If the party issues are unimportant, nothing will check the individual from his independent right of voting for the other party candidate, and the experience has been that parties, even under the convention system, have offered candidates quite generally acceptable to the electorate. If they have not been uniformly satisfactory, the people alone are to blame, and not the parties.

So far as State elections are concerned, where party issues are not involved except in so far as may be necessary to the conservation of national parties, party integrity is an important matter, in order to provide for the electorate satisfactory candidates. This argument alone would be sufficient warrant for confining the candidate to his party, with such possibility of endorsement as might come from that occasional popular demand which would result in writing in the name of the candidate of an opposing party for nomination by another party. The only one who benefits by the easy method of endorsement by a party other than his own is the political manipulator and job-chaser. One might readily conceive that no self-respecting candidate can be both a Socialist and a Republican, or a Democrat and a Republican, by reason of the divergent issues.

The people have proclaimed that party integrity shall be preserved in State elections. While the political issues are not so important so far as the State is concerned, the preservation of party integrity is exceedingly important so far as national affairs are concerned. The advantage that will accrue in State elections by reason of making difficult the endorsement of candidates by parties other than their own will be a greater number from which to choose.

Your committee is therefore recommending the amendment of section 5 of the act by the elimination of subdivision 2b thereof, which permits of the nomination of any individual regardless of party affiliation by the committee of another party. The elimination of this

method, which is merely an easy access to endorsement of the political job-chaser, will mean that thereafter the only way by which a candidate of another party may be endorsed will be the writing in process, and that should be sufficient, where the demand is popular.

To make the act otherwise conform, amendments were made necessary to subdivision 3 of said section 5, subdivision 4 of said section 5, and subdivision 9 of section 7 of said act.

The 1911 primary act contained no such provision. It is an act which substantially protected party integrity, and was seemingly satisfactory to everyone, until, through the direct primary system itself, there was developed the horde of office seekers and job-chasers, followed by carelessness and an effort to make easier the control of party nominations by breaking down the defenses; and then came the drive toward the non-partisan plan, which the people in no uncertain temper rejected.

It is interesting to note some facts in the development of primary integrity, and I take the liberty of quoting from the decision of the court in the case of Britton vs. Board of Election Commissioners, 129 Cal. 345:

"Active political parties, parties in opposition to the dominant political party, are, as has been said, essential to the very existence of our government. The right of any number of men holding common political beliefs or governmental principles to advocate their views through party organization cannot be denied. As has been said: 'Self-preservation is an inherent right of political parties, as well as of individuals.' (Whipple v. Broad, 25 Colo. 407.) A law which will destroy such party organization, or permit it fraudulently to pass into the hands of its political enemies, cannot be upheld. The procedure of political parties may be regulated, and the wisdom of the legislature may well be exercised in devising methods to check political corruption and fraud, but the legislature itself, under the guise of regulation, cannot be permitted to throw open the doors to these very abuses. A law authorizing or even permitting the opponents of an organized political party to name the delegates to the nominating convention of that party would not for a moment be countenanced. Yet that in effect is precisely what the act under consideration does permit. * * * No question may be permitted touching his political affiliations, past, present or future. The voter takes the ticket, retires in to the privacy of the booth, and there, secretly—and not in violation of any law, but in strict accordance with the law—names such delegates as he desires to the political convention of one or another of the parties, whether he is a member of that party or not, whether he ever intends to become such a member or not. The result is apparent. The control of the party and of its affairs, the promulgation and advocacy of its principles, are taken from the hands of its honest members and turned over to the venal and corrupt of other political parties, or of none at all. Masquerading thus under the

name of one of the great political parties might be a convention of men authorized by this law to represent it and place upon the general election ballot as its candidates those whom they might select—a body of men whose sole purpose might be the disruption and destruction of the party whose representatives this law declared them to be. It is expressly announced in the declaration of rights that the enumeration therein contained shall not be construed to impair or deny other rights retained by the people. (Const. Art. I, Sec. 23.) A law which thus permits the disruption and misrepresentation of a political party is an innovation of these reserved rights."

Parenthetically, this Club should give consideration to requisite amendments to the presidential primary act preventing the intrusion of colonies of voters in an effort to defeat the purpose of the real members of the party in the selection of its nominee. The following from Schostag vs. Cator, 151 Cal. 604, is also interesting:

"It is contended that the test prescribed by section 1366a is unreasonable, because with the close of registration the elector loses his right to change his party allegiance in consequence of a change in his political convictions, and is precluded from taking part in the election of delegates to the convention of the party with which on the day of the election his more matured opinions would impel him to cast his lot. This inconvenience certainly does result from the provisions of the act, but the legislature, which must be presumed to have foreseen it, probably regarded such sudden conversions during the short interval between the close of registration and the date of the primary election as likely to be of such rare occurrence as not to justify the omission of a provision evidently designed to prevent unscrupulous and mercenary electors from holding themselves free down to the day of election to vote with any party, upon any corrupt motive, for the purpose of influencing the nomination of its candidates for public office, while without any interest in their success, and perhaps with an interest in their defeat. If it shall sometimes happen that a conscientious voter is converted from one political faith to another between the close of registration and the primary election, he may console himself for the loss of his vote by the reflection that his loss is trifling in comparison to his share of the advantage to the State of which he is a citizen flowing from a measure which tends to prevent a grave abuse, especially in those centers of population where the primary election law is made obligatory."

The following quotation from Hon. Arthur Capper, formerly Governor of and now Senator from Kansas, appearing in *Capper's Weekly*, a paper published by him, should be of interest as indicating a change of position by one who at one time seemed to discount the value of parties:

"All governments fail more or less. The world still is seeking the most perfect form of government. It is a quest that must go on for ages.

"Also it is true that the best form of government the world has found to date is the democratic form, government by the people through parties. The most progressive as well as the most intelligent peoples and nations of this day and age have this form of government.

" 'Only by uninterrupted agitation can a people be kept sufficiently awake not to let liberty be smothered in material prosperity,' or mere wealth-getting, Wendell Phillips said long before the Civil War.

"This is just what party contests do. They keep the people awake politically, and that is one of their greatest benefits. The ideal situation for a country to be in is to have two big parties so closely contending for popular favor that both are compelled constantly to compete in good works and efficient government.

"*Capper's Weekly* is personally conducted with a desire to promote the public good. It is not owned nor controlled by any 'interest.' Yet I am not presuming its views political and otherwise will suit everybody, nor am I assuming they always are right. That is impossible. I only ask you to believe I believe they are right and in the best interest of the greatest number. I make no claim to infallibility. I know I make mistakes just as other men do; it is human to err. But every man must choose. To be neutral gets us nowhere.

"An American citizen must line up with one party or with another; so must the American people."

I am impelled to take advantage of the opportunity to give expression to some personal views which, indirectly, bear upon the question, but which are not offered as the views of the committee. I trust the Club will pardon my taking this liberty.

Personally, I have no confidence in the effectiveness of the direct primary. It is too complex. To be satisfactorily effective, it requires the intelligent action of the people, which applies as well to the poor as to the rich, to those who are ignorant and to those who are intelligent and will not act.

What the people cannot do or will not do must be done by representatives. There should be no acceptance of that which has theory alone to support it. That it might work does not mean that it will work. Experience demonstrates daily how far the people throw off the selfishness of direct personal achievement. How difficult it is to enlist their assistance in any slight effort not directly related to their regular personal employment. How much more difficult will it be to persuade them to devote the time essential to qualify themselves to properly use the direct primary.

The convention with the direct primary as a check against corrupt manipulation thereof, will not only be ideal but practicable.

The present system of election of our judiciary is an abomination.

This Club, the membership of which to a large extent is composed of public-spirited men, is doing a good work. But its work is not so

effective as it might be. Its proposed legislation is submitted to legislators chosen largely by others, and it is indeed fortunate if they are found to be reasonable or under reasonable influence.

Under most favorable conditions, the public official will be of average intelligence. Generally, the offices will go to those seeking them, particularly under the direct primary. The only argument that the generally available candidate understands is the vote. This is not necessarily derogatory to candidates. The system would compel the ideal candidate to do the same thing, because he would depend upon the votes not only of the small percentage of such as you who vote but also of the great percentage of the others who always vote. Therefore it is demonstrated under the system you must make your voting power and control felt.

The place to begin is in the neighborhood of your home. The best agency is your improvement club. If you have not one, organize one. Give it a few minutes' attention occasionally. Your intelligent activity and influence will be productive of beneficial results. Like the political job-chaser, you will then be constantly in touch with public affairs. Results of your few minutes' attention will cumulate into the requisite influence at the time of election. There will then be accomplishment. As it is now, after the nominations are made our business men make endorsements, frequently a difficult thing to do if quality is to govern. The business man becomes a politician for a few days, and usually with the results to be expected. Begin at the beginning, and spread the time devoted hectically at the time of election over the entire year, with just a little added. Attention to matters political is real insurance of business and industrial and social stability.

Discussion by Club Meeting

Remarks by President Gransky

THE PRESIDENT: The Club has now before it the views of the Committee on Election Laws on five different propositions—compulsory voting, the choice of voting residence, counting of votes, registration, and changes in the primary laws. We are ready now for a discussion of these topics, and if there be no objection we will take them in the order in which I have noted them, the first being compulsory voting.

Remarks by Edward F. Adams

MR. ADAMS: What would be the difficulties arising in the enforcement of that as a matter of practical politics? The principle seems reasonable, but what would be the practical difficulties of getting your certificates?

Remarks by Wm. H. Jordan

MR. JORDAN: I do not perceive that there will be any practical difficulty about it. It seems to me a matter that would be very easily worked out. The mere change in the Constitution would enable us to levy this tax. The Legislature would, of course, pass a law levying the tax and providing for its collection.

MR. ADAMS: I was thinking of the difficulties. I would like a little further explanation about when a man has voted, he has got to go then to the registrar. He will not get his certificate when he votes; he has got to go to the registrar. Then he turns that over for his poll-tax, and he will not have anything to show.

MR. JORDAN: If he has voted and wishes to avoid the payment of the tax all he has to do is to present that certificate to the collector. It would be somewhat inconvenient, but not very.

Action on Compulsory Voting

THE PRESIDENT: It is the desire of the section to have an expression from the members in attendance this evening on these several questions. On the proposition as presented by the committee on the matter of compulsory voting, I would ask if there be no objection that those that favor the recommendation of the committee will raise their hands and the secretary will please count them.

THE EXECUTIVE SECRETARY: Twenty-one.

THE PRESIDENT: Those opposed?

THE EXECUTIVE SECRETARY: Seventeen.

THE PRESIDENT: Twenty-one favoring the recommendation of the section and seventeen opposed.*

*Post-card vote (January 10, 1921), 644, yes; 266, no.

Remarks by R. C. Ogden

MR. OGDEN: It seems to me there are two practical objections to the amendment as suggested. The first one is the additional obligation on the part of every voter after he has performed the duty of voting of proceeding to the county clerk or to the registrar of voters and getting his certificate. It seems to me that the certificate could be issued to him at the time of registering and could be endorsed by the election officers at each election. Then upon his voting he would have automatically his certificate properly endorsed.

The second objection is the matter of filing the affidavit. As the amendment was read and as I understand it, any person who makes the affidavit can, in place of the registrar's certificate, submit this affidavit. In other words, it puts a premium on perjury. That is rather a decided stand to take, but I believe that perjury is an every-day occurrence. The registrar of voters, or the collector of the poll-tax would have no alternative under this amendment but to accept them. He would then have the right to prosecute for perjury. But I believe that it is not too much to say that hardly a month goes by but what some perjury is committed in the courts of this State, and hardly one act of perjury out of a thousand is ever prosecuted, being one of the hardest things to prove. It seems to me that a smaller tax with no excuses, a poll-tax of say two dollars, and if the person because of sickness or because of inability did not vote, it would only be a matter of two dollars to him, with no excuses or question of the reasonableness of his excuses to be entertained, and that practical objection would be overcome.

THE PRESIDENT: These suggestions are certainly pertinent and valuable.

Remarks by C. C. Boynton

MR. BOYNTON: The chairman of the committee, as I understood his remarks, said that there were two theories that the committee had under consideration: One was the fear of punishment and the other was the hope of reward. Now, as I understood the chairman, he favored the procedure that proceeded on the principle that if a citizen failed to do his duty to vote, he should be sentenced to punishment, but the majority of the committee took the other view and were going to reward the citizens for doing their duty.

It seems to me if a man does not do his duty he should suffer punishment, and as we are not rewarding, we are not bribing our people to do their duty, it seems to me that that is sound, and that is sound business and a sound policy.

And now what is proposed here? First, we start out with levying a poll-tax. If we ever had an odious, unpopular tax in this State, full of evils, it has been the poll-tax. How many people, in the first place, pay poll-tax. How many would pay the $5 tax? A large percentage would escape this responsibility.

If we come right down to the civic duty to vote, and we all have the duty to vote, if a man fails to vote the register shows that, and that will be prima facie evidence of guilt. He could be brought before some commissioner and it could be handled without recourse to appeal. It seems to me such a law would bring about universal voting, and therefore I favor what I understand to be the minority report of the chairman.

Remarks by President Gransky

THE PRESIDENT: The vote has been taken on this subject. The sense of the meeting has been expressed, and unless there is a call for a revision, we will now pass on to the second subject, the choice of voting residence. I would be glad to hear an expression of views on this subject.

MR. ADAMS: I suggest that we had better do our talking before we vote.

Remarks by Perry Evans

MR. EVANS: The members ought to take into consideration in giving the elector the choice, that at present the residence is fairly easy of ascertainment. If a person registers from a place that he does not reside in, it can immediately be found out. If he has a choice of residence either at his place of residence or place of employment, it seems to me it should be limited to some place where he has a fixed place of employment, and if that is so it seems to me there is going to be a discrimination between those that have a fixed place of employment and those that have not. Take the position of a laborer, or mechanic; he has no fixed place of employment. He resides in Alameda county and comes to San Francisco to work. There would be no way of fixing his place of employment, and if it is restricted to those who have a fixed place, then he would not have that choice, that is, in a certain line of business. I have heard it discussed, and that has always seemed to be an insuperable obstacle.

THE PRESIDENT: I will ask Judge Owens if the committee has discussed that phase of the subject.

Remarks by Hon. Henry M. Owens

JUDGE OWENS: Mr. Chairman, the object of the committee in making that recommendation was this: If a man has a fixed place of employment, then he may register from that place of employment, and if

he moves from that employment after he registers, then he loses his vote. Now, we took into consideration this very question about the different people who live in San Mateo, who live in Oakland, who live in Alameda, who live in Marin county. And it may be interesting to the members of the Club to know that among the other different things that I have done in my time, I have been chairman of the Republican campaign committee in this city and county. At one election I desired to find out just exactly an expression of opinion from the business people in San Francisco regarding certain issues, and in order to accomplish the matter in such way that there would be no way for them to understand what I was driving at, I got up a certain meeting at noon at a certain place down in the business section, and I sent out six or eight men with petitions so that the men could sign, stating that they would take part in that meeting. Then I instructed these men to report back to me every night until we had canvassed the district that I had assigned to them, just what each man said who refused to sign the petition, and to take only the signatures of those men who were voters in San Francisco. It was surprising to see how many who lived in Oakland, Alameda, Marin, San Mateo and in Santa Clara counties who had very strong objections to the management and control of the political affairs in San Francisco, but nevertheless none of them had a vote here. The object of this plan is to permit those people who are interested in business, permit those people who are engaged in permanent business and have permanent establishments and have millions of dollars invested in San Francisco, to have a chance in San Francisco or any other place where they are interested to take part in the political government of that locality, so that when it comes time to vote bonds or anything else, they can have a voice as to how their property shall be taxed. The man who is a laborer and receives his money by day's pay, working wherever he can get a position, generally lives in the locality where he would vote, and that would be a very small minority.

Remarks by President Gransky

THE PRESIDENT: If the Chair correctly understands the recommendation of the section, it is to the effect that the voter be given the choice of registering from his residence or from his fixed place of business. If a man has no fixed place of business he has no choice; he must register from his residence.

Remarks by Francis V. Keesling

MR. KEESLING: There is one thing that might be said. In discussing this matter with Mr. Zemansky I asked him what would happen in the event of a man registering, for instance, from San Francisco, at his place of business, who may change his place of business. "Of

course, that would be governed by the ordinary rule," he said, "provided he changed his registration within the time allowed by law." In other words, the limitation of the change of registration would not govern where a man changed his place of business within the county.

Remarks by James M. Hyde

MR. HYDE: I want to ask one question: Would the term "permanent place of business" apply to a man who owned property; suppose a man had retired and owned a great deal of property here and lived in San Mateo?

THE PRESIDENT: Could that be answered briefly, or is that question not fully settled?

JUDGE OWENS: That question is not fully settled.

Remarks by J. H. Barber

MR. BARBER: There is one condition not covered by the report of the committee, and that is the condition of the man whose family resides in another county, but is so far away that he does not care to vote there, and he also maintains a residence in San Francisco. Where is he going to vote?

JUDGE OWENS: He would vote in San Francisco if he has a residence here.

MR. JORDAN: With reference to the question asked by the gentleman who spoke preceding the last: Your question presents an issue that was never before the committee. So far as we know, no such suggestion has hitherto been made as to what would happen in that case.

Remarks by W. V. Stafford

MR. STAFFORD: It seems to me that we are digging up possible objections that may or may not arise. But it looks very favorable to me that since we have woman suffrage, if that is applied and carried, that all the decent business men will vote in San Francisco and their wives will take care of Oakland and Alameda, and everything will be lovely.

Action by Club Meeting

THE PRESIDENT: The question is now before the meeting. Those in favor of the recommendations of the section will please signify by raising their hands.

THE EXECUTIVE SECRETARY: Thirty-four.

THE PRESIDENT: Those opposed?

THE EXECUTIVE SECRETARY: Two.*

THE PRESIDENT: On the next question, counting of votes. The section has made a very clear and definite recommendation on that

*Postcard vote (January 10, 1921); 580, yes; 310, no.

subject. Is there any discussion? All those that are in favor of the recommendation of the section on the matter of counting the votes at a central point will please signify it by a show of hands.

THE EXECUTIVE SECRETARY: Thirty-one.

THE PRESIDENT: Opposed?

THE EXECUTIVE SECRETARY: None.*

THE PRESIDENT: On the frequency of registration. Is there any debate upon that question? Your section's recommendation on that question is a definite one. The recommendation is that the time which shall elapse between registrations be six years instead of as at present, two years. Those in favor of supporting the section's views in this matter will please signify by a show of hands.

THE EXECUTIVE SECRETARY: Twenty-three.

THE PRESIDENT: Those opposed?

THE EXECUTIVE SECRETARY: Three.†

THE PRESIDENT: In the matter of changes in the primary law. Does the section make a definite recommendation there, that is, can it be framed in such a way as to get the sense of this meeting?

Remarks by Francis V. Keesling

MR. KEESLING: There are two recommendations, the one qualifying the law as it now stands by decision of the Supreme Court; the other eliminating subdivision 2d of section 5, permitting nomination of a man regardless of party affiliation, and by the rule of that provision it seems that no man can receive the endorsement of a member of another party except by a write-in.

MR. JORDAN: We have a bill here prepared that carries all this into effect.

THE PRESIDENT: Is there any discussion of this matter?

Remarks by James M. Hyde

MR. HYDE: I was very much interested to hear the informal recommendations which have been made concerning modifications necessary in the carrying out of the primary election law. We have had several years in which to watch the actual operation of this law, which was enacted and put into operation as a result of a general revulsion of feeling against political domination of the type from which this State has suffered so much.

We do not believe that miracles can be performed on our behalf in the other provinces of our life work, but we have come to depend upon miracles in politics. We expect that out of the body politic will spring forth, as candidates, those men who are best fitted to assume the respon-

*Postcard vote (January 10, 1921); 702, yes; 138, no.
†Postcard vote (January 10, 1921); 661 yes; 227 no.

sibility of administering the greatest business in the world, the United States of America, and its subordinate branches, our great State governments, and that this will happen with no body of men charging itself with the duty of bringing forward for consideration the men who, after careful study and diligent search, have been found to most fully possess the knowledge, experience and wisdom necessary to the enlightened and efficient administration of our public affairs.

A case illustrating the weakness of our present practices came under my personal observation during the last primary campaign. I saw a man approached by a number of friends with the suggestion that his training, experience, and interest in public affairs made it very desirable that he should be elected a Representative in Congress for the district in which he lived. He asked what running for this office would entail. He was generously informed that he would have to find out for himself. His investigation of the matter revealed that under present conditions he would have to devote several months to beseeching the public to nominate him for office because of his self-confessed recognition of his unusual fitness to represent his fellow citizens; that he would have to expect the primary campaign to cost him personally from $5,000 to $10,000, if a perfectly honest but reasonably thorough canvass were to be made; that he would have no organized body backing him in a contest in which he would be opposed by the office-holders' mutual protection society, which thrives in spite of the primary law. Being a discreet individual, he naturally failed to see that his public duty called him to butt his head against such a stone wall.

If we are to have public service placed on the dignified and respected basis which will insure that our most efficient men can be persuaded to appear as candidates for office, we must devise ways and means by which responsible groups of citizens will seek out our most efficient and most representative men and persuade them that it is their duty to serve the public, and assure them when selected that they will have hearty and well organized support if they will consent to run for office. We cannot expect men of this type, which we so much need, to run for office so long as the candidate is made to appear before the public merely as a self-seeker.

As has been suggested this evening, conventions for nominating or endorsing candidates would not thwart our primary law, as a healthy check on them exists in the right of any citizen to be placed upon the ballot at the primary election by having the proper petitions filed.

We should not be led astray by the clamor with regard to political parties, which has been fashionable of late. Party government is with us to stay, and parties must be held to responsibility.

We have formed a permanent Republican club in our town, hoping that we may be able to assist in finding means of insuring the selection of the best type of men as candidates for office, and then giving them hearty and loyal support.

We have a community house in Palo Alto which is a great factor in the life of the community; but the strange ideas which have of late years been spreading with regard to political parties are shown by the fact that all sorts of societies and unions are allowed to hold meetings there, but presentation of public issues by candidates of political parties are tabooed. We expect to deal with this situation gently but firmly, and hope to convince our friends that there must be political parties and that they must have the respect and co-operation of the public.

As has been pointed out here tonight, our politics naturally represent the people who are interested enough to take political action. If you leave nominations to those who have special interests to foster you need not be surprised if those who are elected to office are most attentive to those to whom they owe their nomination.

We must take our participation in public affairs more seriously if we want our affairs administered more efficiently. We need to see to it that representatives of all phases of our life are elected to Congress and to our Legislatures. We cannot expect our most efficient men, who are naturally very busy with their own affairs, to hear a wee small voice calling them to serve the public. If we want the valuable services which they can render, it is necessary for some body of men to canvass the situation, find the men who can render greatest service in public office, persuade these men to appear as candidates, even at a personal sacrifice, and to earnestly support them as candidates, and as officers when elected.

The present system of primary elections puts a very great handicap upon the man who is used to transacting business very efficiently but is not adept at public speaking, and gives a very great advantage to the man who is good at denunciation, and who can go up and down the State and Nation vehemently denouncing this and that and the other thing.

We need more constructive administrators and legislators, less destructive denunciators. We must recognize that to get such men some body of men must make it their duty to seek them out and bear the brunt of nominating and electing them to office. (Applause.)

Remarks by R. C. Ogden

MR. OGDEN: It seems to me that the remarks of Mr. Keesling, voicing his private ideas as to party conventions, are founded upon the fundamental truth that if parties are good they must be made respon-

sible; and how can you make a party responsible for the person elected to office under its banner if that party has no voice in the selection of its candidates? Under the present system of direct primary, any person, whether a Republican or a Democrat, even under the proposed amendment, can by declaring himself to be a Republican a certain length of time before election, and because he has sufficient popularity in that district, have himself elected to the United States Congress as a Republican when his ideas are no more along the lines of the Republican party's principles than a rank outsider. He may be absolutely a Democrat at heart, vote on every question in Congress along Democratic principles, and yet the Republican party is ostensibly responsible for his presence in Congress.

It seems to me that unless you make parties responsible for their candidates, the party is useless; and there is no question but that the party system is the very foundation upon which our great republican form of government has been built. And it is time for this State to get away from our impractical ideas and get back to even the corrupt convention politics, and to that form of convention politics where the party is again responsible for their candidates.

THE PRESIDENT: Is there any further discussion? If not, the question will be as to the sense of the meeting relating to supporting the views expressed by your section on this matter. I will not attempt to repeat them. You have had them stated very distinctly.

Action by Club Meeting

MR. ADAMS: There are two distinct questions.

THE PRESIDENT: One sustaining the Supreme Court decision and the other new matter. Does the meeting desire that these questions be separated?

MR. STAFFORD: Tie them together.

THE PRESIDENT: All those in favor of supporting the views as expressed by the section and its recommendations will please express their views by a show of hands.

THE EXECUTIVE SECRETARY: Twenty-one.

THE PRESIDENT: Those opposed?

THE EXECUTIVE SECRETARY: Two.*

The recommendations of the Committee on Election Laws were therefore declared approved by a majority of those present.

*Postcard vote (January 10, 1921); 559, yes; 303, no.

TRANSACTIONS

OF THE

COMMONWEALTH CLUB

OF CALIFORNIA

[illegible]

Progress Report for 1920

[illegible]

[illegible]

TRANSACTIONS
OF THE
COMMONWEALTH CLUB
OF CALIFORNIA

VOL. XV SAN FRANCISCO, FEBRUARY, 1921 No. 10

PROGRESS REPORT FOR 1920

Commonwealth Club of California

Founded—February 3, 1903.

Purposes—To investigate and discuss problems affecting the welfare of the Commonwealth and to aid in their solution,* to "maintain itself in an impartial position as an open forum for the discussion of disputed questions,"† and "to influence public opinion in all proper ways in accordance with conclusions reached after due investigation."‡

Presidents—William P. Lawlor, temporary president, 1903; Harris Weinstock, 1903-1907; Edward F. Adams, 1908-1912; Beverly L. Hodghead, 1913-1917; Albert E. Boynton, 1918-1919; C. E. Grunsky, 1920; Thomas Danforth Boardman, 1921.

Membership—January 1, 1921, 2809.

The Commonwealth Club of California was founded to meet the need for a body of citizens who should consider the problems of the State from all points of view. The purpose announced by its founders was to bring out all the available facts on all sides of the questions taken up, and to provide for unfettered discussion. The policy has been steadfastly maintained, and has given the Club a high standing among civic bodies. It rarely considers questions of purely local interest, but takes up those that concern the interests of the State. While it considers many questions, it acts on but few, and promotes only those ends on which its membership is substantially agreed.

The results of the Club's investigations are presented at the monthly meetings and published in the Transactions. As it brings together much original data its publications are highly regarded by investigators.

Monthly meetings are held at the Hotel St. Francis on the third Thursday of each month. Members assemble at 5:30 for social converse, and dinner is served at 6 p. m. The program is called at about 8 p. m., and adjournment is had at 10:15 p. m. On disputed questions time is assigned so far as possible equally to the opposing viewpoints.

Luncheon meetings have been held at the Palace Hotel every Friday, with occasional special meetings. At these meetings addresses on current affairs are given by distinguished speakers.

*Constitution, Article II.
†By-Laws, Section 10.
‡Section 2, Plan of Organization submitted at first meeting.

Election of Officers of the Club

At the October meeting of the Club the following were chosen as a Committee on Nominations: Grant H. Smith, Frank D. Stringham, Henry A. Koster, A. G. McFarland and Charles S. Wheeler. At the November meeting the committee reported the following ticket:

President ..... THOMAS DANFORTH BOARDMAN
Vice President ..... FRANK P. DEERING
Board of Governors—
Three-year term ..... W. V. STAFFORD
Three-year term ..... FREDERICK WHITTON
Unexpired term (2 years) ..... E. T. THURSTON
Unexpired term (1 year) ..... MAX THELEN

The ticket was elected without opposition at the Club meeting of December 16, 1920.

The Committee on Nominations further recommended that John P. Young, who had served as Treasurer since the organization of the Club, and now desired to be relieved of his duties, should be made an honorary Governor of the Club. A constitutional amendment to carry the recommendation into effect was approved by the December meeting, sent to a postcard vote January 1, 1921, and ratified. The retiring President, C. E. Grunsky, became, under Article IV of the Constitution, a member of the Board of Governors.

President Boardman appointed E. T. Thurston, Secretary, J. M. Kepner, Treasurer, and the following as Executive Committee: Frederick Whitton, chairman, C. E. Grunsky, Beverly L. Hodghead, J. M. Kepner, Max Thelen. The President and Vice-President are ex-officio members of all committees.

Officers for 1921

President ..... THOMAS DANFORTH BOARDMAN
Vice President ..... FRANK P. DEERING
Secretary ..... E. T. THURSTON
Treasurer ..... J. M. KEPNER
Chairman Executive Committee ..... FREDERICK WHITTON
Executive Secretary ..... E. A. WALCOTT

The unexpired term of T. D. Boardman as Governor was filled by the election of A. G. McFarland.

Board of Governors

	Terms Expire December 31st		Terms Expire December 31st
Edward F. Adams	*	Max Thelen	1921
Albert E. Boynton	*	E. T. Thurston	1922
C. E. Grunsky	*	Rolla V. Watt	1921
Beverly L. Hodghead	*	Frederick Whitton	1923
J. M. Kepner	1922	H. Weinstock	*
A. G. McFarland	1921	John P. Young	†
W. V. Stafford	1923		

*Life Member as ex-President (Constitution, Article IV, Section 2).
†Life Member (Constitution Article IV, Section 5).

Chairmen of Committees

Agriculture	Frank V. Cornish
Bay Cities Water Supply	
City Planning	Henry G. Meyer
Civil Service	Paul Eliel
Delinquency	William S. Wollner
Education	Archibald B. Anderson
Election Laws	William H. Jordan
Food Prices	Ralph P. Merritt
Forestry and Wild Life	Walter Mulford
Harbor Control	H. H. Wadsworth
Housing Laws	Lester G. Burnett
Immigration	H. H. Beers
Industrial Relations	J. P. Rettenmayer
International Relations	E. E. Robinson
Irrigation	Frank Adams
Judiciary	Edward Hohfeld
Library	R. S. Gray
Luncheons	A. G. McFarland
Membership	
Mineral Resources	Samuel H. Dolbear
Municipal Government	Milton Marks
Pacific Ocean Commerce	
Public Budgets	John F. Forbes
Public Health	Ray Lyman Wilbur
Public Utilities	Douglas Brookman
Scientific Research	Barton W. Evermann
State Highways	
Taxation	M. S. Wildman
Water Power	

Annual Report by President Grunsky

At the Club meeting of December 16, 1920, President C. E. Grunsky addressed the members as follows:

To the Members of the Commonwealth Club—

As the January meeting of the Club, at which the administration changes, is by tradition given over to Club mysteries, your Governors have thought it wise that account should be briefly rendered at this time of the year's activities and of the outlook. It falls to me to deliver the message.

First, a word about membership. The Club is to be congratulated upon the fact that membership in the Club is considered worth while by an increasing proportion of those who have the welfare of the Commonwealth at heart. There are many, of course, who are members or who seek membership from selfish motives, who belong to the Club for the advantages which it brings to them. Such members are particularly interested in the educational value to themselves of the presentation and discussion at the monthly meetings of the findings and conclusions by some one or more of the many sections to which problems of concern to the state or nation are assigned, and, too, in the weekly and special luncheons at which advanced thought upon the important problems of the day is presented by well informed speakers. But while what the Club offers to its members is of educational value and what it gives them in its published proceedings is worth all that it costs to secure and retain membership, there is a valuable service rendered by even the most passive member. The work of the Club is not alone educational but constructive. Where better than within the Club can the policies which affect the public welfare be discussed? Where better than by its members, can necessary and desirable legislation be outlined? The Club may well pride itself on having attained an unassailable reputation for the fair and impartial discussion of any problem which concerns the public welfare—barring only partisan politics and religion. The Club's standing in this regard is already assured and will be maintained. The Club's position on any question has become a matter of general concern. But this influence of the Club, and its power to serve, will continue to grow as the number of its members increases. Every member, therefore, may well take pride in the fact that he is giving assistance, even though it be by passive membership only, to the Club in its efforts to serve.

During the eleven months of the current year the Club's membership has grown from 2449 to 2794. Of the present membership 96⅔ per

cent or 2701 members are classed as residents, that is, living within fifty miles of San Francisco, the Club's headquarters.

The Club is a state-wide organization. It should have a larger membership outside of San Francisco and the Bay region. Special effort to secure this outside membership should be made as it is self-evident that thereby the promotion of any Club policy will gain more than proportionately in force.

Prior to 1906 policies were adopted by a vote of a Club meeting. After the adoption of the new constitution in 1907 policies could be adopted either by the Board of Governors or by a meeting which was attended by a majority of the members, or by a postal card vote. Vice-President Adams' report in January, 1907, showed that up to that time the Club had committed itself to nine policies and instructed sections or special committees to draft bills and get them enacted into law. The instructions were not immediately effective but some of these policies have since been adopted by the State although none had been enacted at the time of the report made in 1907. The list is as follows:

1. Introducing the merit system into the State Civil Service. Enacted 1913.
2. Adopting the Initiative and Referendum in State Legislation. Enacted by the people in 1911.
3. New irrigation law with a strong State administrative system. Enacted 1913-14.
4. Reconstruction of our State Prisons on the one-cell system. Adopted as a State policy and construction begun about 1910.
5. To prevent the erection of the City and County Hospital in San Francisco on the Almshouse tract. Accomplished and new San Francisco Hospital authorized by electors in 1909.
6. To reorganize the administration of the Port of San Francisco.

(The three following were approved by postal card vote:)

7. A direct primary law. Enacted 1909.
8. To regulate the construction of tenement houses. Enacted 1909.
9. To grant State aid to building country roads. Enacted 1910.

The Club committees took part in drafting the legislation to introduce the merit system, irrigation law, tenement house law. The promotion of the law for regulating tenement house construction was submitted to a postal card vote in 1906 and approved by a vote of, yes, 122; no, 3. Postal card vote on the good roads law was taken in 1906 and approved, yes, 120; no, 2. Postal card vote on the direct primary law taken 1906, approved, yes, 113; no. 7.

10. Appointment of a Board of Engineers on Water Project for San Francisco was approved by a postal card vote in April, 1907, yes, 131; no, 9.

11. Non-partisan Board to manage City and County Hospital was approved by postal card vote in August, 1907.

12. The next postal card vote was taken in 1910 on the laws for the prevention of tuberculosis. The ballot resulted as follows:

For State Tuberculosis Commission—Yes, 134; no, 18.

Factory inspection—Yes, 146; no, 2.

For strict enforcement of anti-spitting ordinance, etc.—Yes, 152; no, 2.

Against decreasing light and air space in houses—Yes, 148; no, 4.

For tuberculosis hospital—Yes, 142; no, 5.

For municipal tuberculosis commission—Yes, 116; no, 27.

For school courses for tuberculosis prevention—Yes, 138; no, 13.

13. Question of appointment of Judges was submitted to the Club by postcard vote in 1914 and resulted, yes, 226; conditional yes, 5; no, 26.

14. The next postal card vote was taken on the League of Nations as embodied in the Peace Treaty in July, 1919—Yes, 536 (of which some were conditional), and no, 264.

15. A postal card vote was taken in November, 1920, on the following:

A. Exclusion of Oriental labor.

B. Suspension of all immigration for two years.

Desiring the fullest possible vote on these questions they have been ordered resubmitted to those who failed to vote. The first submission brought responses from little more than one-third of the Club's membership.

(Policies approved by the Board of Governors.)

16. Establishment of a reformatory for first offenders, March, 1908; reported to the Club meeting on March 11, 1908, and to the entire Club with the April notice. This matter was submitted to the Legislature of 1909, but failed; it was passed in 1911; the State reformatory farm was purchased in 1912; it was taken away in 1917.

17. Revision of the Criminal Procedure, adopted by the Board of Governors, March, 1908, submitted to the Club meeting and unanimously approved March 11, 1908; placed before Club with April meeting notice; bills and constitutional amendments prepared by section and submitted to the Legislature of 1909; failed. The measure was revised and submitted to the Legislature of 1911. Bills with reference to the Grand Jury were passed; a constitutional amendment forbidding reversals on purely technical grounds unless there had been a miscarriage

of justice was submitted to the people and adopted in 1911; it was extended to civil cases by the Legislature of 1913; it was approved at the election of 1914.

18. Administrative Budget for the State was approved by Board of Governors in February, 1920.

19. Charter amendment providing for San Francisco School Board appointed by the Mayor subject to confirmation by electors, and appointive expert for school superintendent, August, 1920. This matter was submitted to the Club in the August notice; no objection was received; the proposition was approved by the electors in November, 1920.

The Club has taken a leading part, in co-operation with other organizations, in preparing a charter amendment providing for the reform of the police courts of San Francisco. The failure to have the amendment adopted by the supervisors, in the light of subsequent events, and recent history, is particularly regrettable.

The Club assisted in securing for San Francisco a City Planning Commission.

Club meetings have approved the establishment of a Small Claims Court, the appointment of a Public Defender, and the psychopathic examination of persons arrested for crime.

Your Governors have approved, too, recommendations of the Water Power and Irrigation sections of the Club relating to the extension of the facilities of the State Water Commission for supervising the use of water by those who have water-rights, and those of the State Engineer for the further investigation of the water resources of the State, as noted in the call for this meeting.

During the year the Club has at its monthly meetings given consideration to the following questions: The Standard of Value; Public Budgets and Civil Service; Reservations to the Peace Treaty; The Poor Man in Court; the Mexican Situation; the Alien Land Law; State Constitutional Amendments of 1920; the Problem of the Prisoner; Water Power and Irrigation; Jury Reform; and will at this meeting give consideration to needed changes in the Election Laws.

The weekly luncheon meetings have maintained their popularity. As a result of the change of the luncheon day from Saturday to Friday, there has been some increase in the attendance, showing that the change was justified. Your Governors have found no way as yet of bringing within reach of those who do not attend the luncheons, the luncheon addresses, nor yet a synopsis thereof. It may be timely, in this connection, to give serious consideration to the issuance of a Club bulletin adequately edited, in which the current work of the Club sections can be made available to the members and in which there might appear a synopsis of the luncheon talks. If each issue, thereof, would bear a

brief note to the effect that the Club is not responsible for opinions expressed by individual members, nor by action of its sections, there should be no danger of the misuse of material which finds its way into the bulletin. No estimate of cost has yet been made.

Although I shall be in office for some weeks longer, I may be permitted at this time to express my appreciation of the privilege which has been accorded me to serve the Club in various capacities for a number of years. I value more than I can say the association with those who have been active in the Club's work. It has been a source of gratification, too, to find so many of the Club members willing to undertake the study of the problems which affect the welfare of the Commonwealth and to give the Club the benefit of their conclusions. Quite a number of the Club's sections have done notable work, but the field is large and there is ample opportunity for increased work.

Comparatively little has been accomplished during the year on the three vital problems—Pacific Ocean Commerce, Harbor Control and Bay Cities Water Supply. It is hoped, however, that under recent reorganization of these sections valuable information may be collected and that reports will be presented during the coming year by all of these sections.

In declining a renomination, I expressed, to your nominating committee, the view that the Club had now gotten beyond the point where the success of its work was dependent upon having any particular individual at its head. The earnestness with which it takes hold of its work; its impartial attitude toward all problems which confront the State and the nation; its desire to arrive at the basic truth and to be of real service to the Commonwealth are universally recognized. It has attained this enviable position under the able leadership of such men as the father of the Club, E. F. Adams, Col. Harris Weinstock, Beverly L. Hodghead and A. E. Boynton. Why not, hereafter, let it become a tradition that the term of the Club's presiding officer shall be brief? Let the honor of the Presidency go to an increasing number of members. Duplicate the success which has attended the short term service required of the Club's luncheon chairman. Your President, who will know that he has but one or, at the most, two years to serve, will be no less active and earnest in his work than if an indefinite term lies before him. Furthermore, under the short term presidential plan we will have the appearance at least of a more democratic control than if we allow ourselves to believe there should be no change in the presidency.

I desire, in conclusion, to again congratulate the Club on its having become a useful factor in the Commonwealth and to express the hope that hereafter the Club will make increasingly effective use of its influential position, in the shaping of legislation of the State. (Applause)

Inaugural Address by President Boardman

At the Club meeting of January 20, 1921, President Thomas Danforth Boardman was inaugurated with a few appropriate remarks by ex-President Hodghead, and assumed the gavel with the following address:

PRESIDENT BOARDMAN: It is the established practice that the annual meeting of the Club shall include a presidential report; it may be in the form of an annual report by a retiring officer or an inaugural address by a new. It has frequently included both in one and the same address. President Grunsky made a brief report to the Club at the December meeting and left for the East, not desiring, I presume, to share my unpopularity tonight.

I cannot say that I have exactly been instructed by the January committee to make an inaugural address, but at least by implication I am in receipt of such a mandate, for since the election of a month ago, that "great and solemn referendum," I have on more than one occasion been told to cut it short.

But it has been the practice at January meetings to turn the President and the Executive Secretary loose in the first part of the evening, after which the Club takes a recess for a much needed rest. I am in doubt as to the real purpose of the latter part of a January meeting. Is it molasses by which to attract a large audience to hear the presidential address, or is it honey with which to reward those whose loyalty to the Club has prompted them to come to hear such words of wisdom as may be given expression by their executive? On inquiry of the Executive Secretary I am told that neither theory is correct; that the presidential address is compensation for those who listen all evening to the January committee's "bum" jokes.

In any event the practice is an honored one; honored not alone in its practice, but more especially in its adoption by those fathers of the organization without whose wise and tireless efforts there would be no Commonwealth Club tonight. In the Club rooms is a picture of one of those patriarchs, much respected and beloved, in the act of passing out through a revolving office door and meeting himself coming in on the other side, and you will recall him standing in this place and reading an annual report for a period of twenty minutes, and then as he brought to a close his story of the year's activities and you breathed your sigh of relief, he would turn over the pages and read an inaugural address for another twenty minutes. Having occupied for the last eight years the office of Chairman of the Executive Committee, I have thus annually performed the same revolving door acrobatics (although it was

through a lowlier door) and yet no one during that period ever suggested that I should present a forty-minute address; it was hardly fair to the Club, and in justice to the membership I am constrained to supply the accumulated deficiency of those years.

I think it would hardly be proper, or perhaps even courteous if I failed at this time to express my deep appreciation of the high honor you have conferred upon me in electing me your President. I am sure that none will disagree when I say that it is a high honor, but I believe that the fact will be the more appreciated by those who have for a period of years served the Club on administrative committees or in the research sections, and are thus more conversant with its history and its influential standing in the State of California.

I think it can be truthfully said of the Commonwealth Club, and perhaps of no other civic body in this part of the State, that it has no enemies. The foundation of this happy fact is the square deal; impartiality.

On our sections will be found many men who will approach the question under inquiry with open minds, desiring to hear all sides, to weigh all reliable evidence; a spirit not too evident among political leaders nor in the press of America.

Out of the exchange of many diverse opinions of thoughtful men of different political schools, of many different vocations, including employer and employee, providing they seek but the truth, will grow the type of constructive leadership of which this Club is worthy. And here, at the Club meetings, assemble the interested members, ready to give considerate hearing and weight to these divergent views, to the end that a common ground may be found giving promise of that which will be for the best interest of the State.

The purpose of the Club is stated in the Constitution to be "to investigate problems affecting the welfare of the Commonwealth and to aid in their solution." The investigation is doubtless of great educational value to many individuals, particularly to the members of the sections, but, in my opinion the real mission of the Commonwealth Club lies in the direction of constructive aid in the solution of problems affecting the welfare of the State. And this may be accomplished either in the promotion of legislation or in the influencing of public opinion toward the solution aimed at. The pressure of a potent public opinion will ultimately force legislation.

The Club's influence in the State is not small; it should deevlop and grow until it becomes a *leader* in the investigation and, what is more important, in the solution of the State's problems.

Our working sections should aim, not merely to investigate proposed

legislation at the time of a legislative session, but should in advance point the need and submit to the Club the draft of such enactments as are designed to serve the best interests of the people of the Commonwealth. Where better can such steps be taken, than in an organization whose purpose is to seek the truth, to eliminate partisan and selfish influences and to aim squarely and solely at the welfare of the majority?

The Club has taken a leading position in the direction of eliminating delay and technicalities in the administration of justice. Its efforts have borne fruit, but in certain directions it has failed. It took a decided stand in 1915 for an appointive judiciary, and, at an earlier date, for a verdict in criminal cases by vote of three-fourths of a jury. If our theories were sound, and if the Club continues to hold the same views, our past failures should not discourage, but, on the contrary, should stimulate us to renewed effort to secure such modifications of our present system.

The recent dastardly crimes in this city and the subsequent lawless application of mob justice are unmistakable evidences of the contempt in which our courts are held.

It is not the function of the Commonwealth Club to join in the condemnatory expressions of a justly aroused public opinion, but rather to get back to work on a constructive policy of uplifting our courts of justice to the end that there shall be created a wholesome respect for the law; that justice shall not be defeated by long and senseless delays. It should not be on occasions of great public indignation, only, that prompt trials are held.

The Club proposes to invoke the initiative for the purpose of submitting to the people a measure for an executive budget. If the Legislature will not give us an appointive judiciary, shall we not go before the people with this measure at the same time?

I hope that during this year the splendid work of our Judiciary Section will be continued, and that through their efforts the Commonwealth Club will make a valuable contribution toward improvement of our Police Court methods and the establishment of a justifiable respect for the administration of the law.

Notable work is being done by many of our research sections, too many to be discussed tonight. Mention may be made of a few.

The Section on Industrial Relations is engaged in a tireless investigation of the intricacies of this most important problem. It is not too much to hope that out of their studies may be pointed the direction of some step toward the goal of industrial peace.

The problems of immigration as applied to the State of California have been investigated by the Section on Immigration and two impor-

tant questions submitted to the postcard vote of the Club; the results have been made known to you, and at the request of the Section, have been sent to our representatives in Washington and to many civic organizations throughout the State.

Problems of the public health are receiving the thoughtful study of a very active Section composed of leading members of the medical profession.

Proposed legislative action on matters which have been the subject of section investigation will be watched, and by authority of the Club, influenced or promoted in accord with the prevailing sentiment of the membership. Among the sections interested in proposed legislation are those on Judiciary, Delinquency, Election Laws, Irrigation and Water Power.

Other matters which will be the subjects of proposed legislation will be submitted to the Club for debate and an expression of judgment before the Legislature adjourns. These are the several plans for reorganization of the Department of Agriculture of the State University, under investigation by the Section on Agriculture; legislation relating to Education and the control of San Francisco Harbor. The importance of an early discussion of these subjects will necessitate two Club meetings in February.

To omit mention of other active working sections may appear an injustice to them; to include them all would be a greater injustice to this gathering.

Mention of the coming meetings brings me to another subject. If the Commonwealth Club is doing good work; if it is worthy of a continued life, it is worthy of a greater degree of support from the majority of its 2800 members. There should be more volunteers to do section work; there should be a much larger attendance at the monthly meetings. Some of our members—and there should be many more—make it a regular practice—a habit—to attend the evening discussions, just as a considerable number have acquired the Friday luncheon habit. If good citizenship demands an active interest and participation in the affairs of our civic life, there is an obligation upon us all to support such work as is done in this Club; and these comments apply with force to this splendid gathering of representative citizens whose devotion to the work of this Club is given expression by attendance at the January meetings. So many of this audience are attending an evening meeting of the Club for the first time since January, 1920, that I am forced to believe their participation is determined by their New Year resolutions, and that these are of the proverbial short-lived character.

Permit me to urge that these evening meetings are very interesting and highly educational, dealing with subjects on which every one of us should be informed. Some will argue that they receive and read the published record of the discussions. That is well, but has it ever occurred to you that the reports of our research sections are the result of many months of study and the deliberations of very many meetings, and that it is rather discouraging to these working members after so much preparation to make their reports to a Club meeting at which 75 to 125 members out of 2800 show sufficient interest to attend?

There are one or two subjects upon which I will briefly touch.

It has been urged by some of our valued members that the Club should publish a periodical report of the section activities and discussions. The subject has on many occasions been discussed by the Governors. The plan presents many advantages. The luncheon programs could be outlined and excerpts of the addresses published. The membership would be informed upon the work of the Club in its various sections and committees, and its interest thereby stimulated. On the other hand it would entail a heavy expense; printing is very high—and a vast amount of work in editing and publishing, necessitating an increased office force and, unavoidably, added labor on the part of the Executive Secretary.

This excellent and efficient officer has his hands pretty full now. If I were asked to describe the man, I should say that he is "a walking encyclopedia with a complete ready-reference index"; as an official, "a handy, logical guide of civic usefulness."

The subject of the proposed Club periodical has been referred to a committee appointed by the Chair and in due time the results will be reported back to the Governors. In the meantime any suggestions from members may be sent in to the office and will be given consideration.

Another subject which has often been discussed by the Governing Board is "Club Quarters." Have we arrived at a time, at a level of substantial stability and financial strength warranting the acquisition of a permanent home? The accumulation of the "permanent fund" is for this purpose. Personally, I am for it as soon as it can be safely accomplished. In our present quarters we are crowded and we have inadequate facilities for committee meetings and occasional Club gatherings. It would tend to promote our usefulness and, notably our Club spirit if our committees could meet in Club rooms where lunch might be served. It would not conflict with the proper functions of the Club if our quarters afforded the facilities for a certain degree of social intercourse; quiet reading rooms with the principal magazines on the tables, and even a card or chess room. Such a home would lead to a

more generous use of the splendid Club library, which contains 3100 volumes and 8000 pamphlets on civic and sociological subjects, most of which can not be found in any other library in the State.

In conclusion, gentlemen, permit me to urge upon each one of you a more active and generous participation in the work of the Commonwealth Club. If you regard this organization as worth while, if it serves to instruct or to interest you, invite some of your friends to join. A larger membership will increase our capacity for useful service to the Commonwealth. We recently provided for a class of membership for those residing fifty or more miles from San Francisco at dues of five dollars a year, and should extend our enrollment into the farthest corners of California. We have too few members outside of the Bay region; our influence will be increased by adding to these.

Support and encourage the working sections by attendance at the monthly dinners.

With an increasing membership and a more general contribution of time and effort the Club will become a yet more potent force for the improvement of our social life and will fulfill its mission, of which I spoke, to advance the welfare of the people and the political integrity of California.

Treasurer's Report for 1920

Current Fund

January 1, 1920—Balance in Current Fund	$ 3,575.69	
Receipts—		
Dues	28,468.50	
Life Memberships	1,505.00	
Transactions	236.37	
Insurance	1.06	
Telephone	.30	
Presentation	437.01	
Transferred from Dinner Fund	130.55	
Disbursements—		
Commission		$ 256.90
Distribution		764.05
Furniture		100.00
Guests		109.45
Insurance		37.90
Accrued Interest—Sacramento Northern		3.42
January Meeting		212.10
Library		1,085.70
Office Expense		637.11
Postage		1,657.50
Printing		1,891.10
Presentation		435.00
Promotion		261.50
Rent		1,650.00
Salaries		9,933.75
Telephone		167.04
Taxes		19.71
Printing Transactions		5,717.86
Binding Transactions		183.00
		$25,123.09
Transferred to Permanent Fund		5,005.08
December 31, 1920—Balance in Current Fund		4,226.31
	$34,354.48	$34,354.48

Permanent Fund

January 1, 1920—Cash Balance in Bank	$ 2,509.75	
Receipts—		
Initiations	5,170.00	
Interest	2,890.91	
Principal S. F. Library Bonds	2,000.00	
From Sale First Liberty Bonds	4,545.41	
Transferred from Current Fund	5,005.08	
Disbursements—		
Second Liberty Loan Bonds		4,692.75
Fourth Liberty Loan Bonds		13,814.48
		$18,507.23
December 31, 1920—Cash Balance in Bank		3,613.92
	$22,121.15	$22,121.15

Held in Permanent Fund

Bonds—$51,000 Liberty Bonds.
Two $500 San Francisco Library.
Two $1,000 Pacific Light and Power Co.
Five $1,000 San Joaquin Light and Power Co.
Sacramento Northern—Class "A," $1,800; Class "A" Certificate, $96; Class "B," $900; Class "C," $1,200; Class "D," $1,200.
Stock—Western Pacific Preferred, $2,500; Common, $3,750.
Sacramento Northern First Preferred, $1,800.
War Savings Stamps—$1,000.

Respectfully submitted,
JOHN P. YOUNG,
Treasurer.

January 1, 1921.

Report of the Executive Secretary

To the President of the Commonwealth Club of California:

Continued growth has marked the history of the Club during 1920. From a membership of 2449 on December 31, 1919, the total number, after deducting 161 separations by death or resignation, etc., rose to 2809 on December 31, 1920. The high character of the membership has been maintained.

During the year the Club held twelve meetings at the Hotel St. Francis and sixty-three luncheon meetings at the Palace Hotel. The evening meetings were, for the most part, devoted to the presentation and discussion of reports from sections of the Club on matters affecting the welfare of the Commonwealth.

The luncheon meetings were given to addresses by qualified speakers on topics of current interest. The largest evening meeting of the year was that given to the Club Mysteries in January, when 450 attended the dinner and about 640 attended the presentation of the club's humor and satire on current events. The other evening meetings drew a smaller attendance. The largest luncheon meeting was that of June 26th, when William J. Bryan addressed the members, 805 being served luncheon and about 100 additional attending the address.

A Standard of Value

The Club meeting of February 19th, at the instance of the Section on Industrial Relations discussed the question of "A Standard of Value." The speakers applied themselves to the problems raised by the great fluctuations in commodity price levels, especially with regard to wages, salaries, and transactions covering a long period of payment. President Grunsky presented a plan for stabilizing such payments by a commodity unit, the present monetary system being held for current transactions. Norman Lombard advocated the Fisher plan for stabilizing the purchasing power of the dollar itself by varying its gold contents in accordance with the index numbers of commodity prices. Prof. E. R. A. Seligman presented certain criticisms of the Fisher plan and the material was ordered printed in the Transactions for further study.

A State Budget

The Club's policy of an executive budget was discussed at the March meeting and the form of a constitutional amendment presented by the Section on Public Budgets. It was referred back to the Section for revision of details and publication of the discussion was postponed until the amendment is in form for final action. It is the judgment of the section that it will be necessary to put the measure before the voters

by initiative petition, as the Legislature could not be expected to approve a measure that reduces so largely its power over appropriations.

Civil Service

The Section on Civil Service presented to the March meeting a draft of a constitutional amendment to place the State's application of the merit system under the protection of the organic law. Criticism being directed to certain details of the measure, it was referred back to the section for revision. Chairman Simons of the Section on Civil Service brought the revised draft before the October meeting and explained that it had been approved by all those who opposed the draft presented in March, including the members of the State Civil Service Commission, and the Southern California Civil Service Reform Association. The draft was approved by the October meeting and the section was authorized to request the Governor of the State to include it in his program of legislation. The request was forwarded to the Governor, but it is the opinion of those experienced in legislation that such a measure which interferes so largely with the powers of the Legislature cannot be put before the voters except by initiative petition. A draft was presented of a proposed amendment to the charter of San Francisco, designed to bring under the merit system all positions under the city and county government now subject to executive appointment. The amendment was not discussed for want of time, and no action has been taken upon it.

The discussion of the Peace Treaty was continued at the April meeting, with an analysis of the fifteen Senate reservations by Edward Krehbiel. Dr. David P. Barrows presented an argument favoring the adoption of most of these; and Rev. Josiah Sibley gave the argument for ratification of the Peace Treaty with interpretative reservations only. No action was taken by the meeting to change the position of the Club, shown by the postcard vote of July, 1919.

At this meeting the Governors were requested to consider the appointment of a committee to investigate and report on the gathering and dissemination of news, and the policy of placing corporations distributing news under the same public control applied to other corporations giving public service. The matter has been under consideration by the Governors, but no conclusion has been reached. The advocates of control have been requested to suggest a line of investigation that may prove fruitful.

Reforms in Administering Justice

The Judiciary Section took up the Club meetings of May and November, offering plans for a small claims court, a public defender, and a revision of the system of selecting juries in our large cities.

gation of the more comprehensive known prospective reservoir sites and of the surface and underground water resources of the State, with due consideration of their utilization for municipal, irrigation, hydro-electric, and other purposes, as a reasonable foresight demands should now be undertaken.

(4) The above named Sections also request authority, on behalf of the Club, to oppose the creation of any additional State agencies, commissions, or boards to deal either with the development or utilization of the waters of the State, or with the administration of irrigation, reclamation, drainage, or other organized districts.

These were approved by the Board of Governors with the following interpretation:

In approving No. 3 it is the understanding of the Board of Governors that any appropriation that is asked for shall be for the next biennium and shall only be in such amount as the Department of Engineering shall deem can be profitably expended during that period for the purpose of securing information that will be of practical use without additional appropriations to continue the investigations.

The recommendations were sent out to the entire membership of the Club and, no objections having been received, were formally approved by the December meeting.

The recommendations were then sent to the Governor and the members of the Legislature as a statement of the position of the Club on water legislation at the session of 1921.

Policies on Election Laws

The Committee on Election Laws at the December meeting presented five recommendations for legislation: 1. A constitutional amendment levying a $5 poll tax and exempting those citizens who had voted at all elections during the preceding year. 2. Choice of residence for voting purposes. 3. Authorizing counting of ballots in State elections at a central place. 4. Canceling register at the end of six years. 5. Amending the primary laws to prevent any person from standing as a candidate for a party nomination unless registered with that party. The recommendations were approved by the Club meeting, and on submission to a postcard vote, were approved by considerable majorities of the membership. The measures have been placed before the Legislature.

Growth of Club Funds

The finances of the Club prospered during the year. The Club's income increased from $31,360.67 in 1919 to $38,839.70 in 1920.

The cost of running the Club increased from $20,338.47 in 1919 to $25,123.09 in 1920. This was due in large part to the increase in the cost of printing, the amount spent for this purpose being $5,542.20 in 1919, and $7,608.96 in 1920.

The price of dinners was advanced from $1.50 to $2.00 by the Hotel St. Francis, beginning with November. It seemed advisable to the

Governors that the Club pay this part of the dinner charge for ordinary meetings when members make their reservations sufficiently far in advance to enable the Club to guarantee attendance. This will add to the expenses for 1921. The finances of the Club have been prudently managed.

The permanent fund was increased by the total receipts from initiations and interest and by the contribution of $5,005.08 from receipts over expenses in the current fund. The permanent fund increased its holdings of Liberty bonds from $35,000 January 1, 1920, to $51,000 January 1, 1921. The cash balance increased from $2,509.75 to $3,-613.92. The remaining securities of the Club were decreased by the redemption of $2000, San Francisco Library bonds, the proceeds being invested in Liberty bonds. The cash value of the Permanent Fund is well above $60,000.

Club Luncheons

The luncheon meetings have continued and increased in success. Although no such large meetings occurred during 1920 as attended the coming of President Wilson, Senator Johnson and the King of Belgium in 1919, the attendance at the luncheon service increased from 13,419 to 16,225, and the attendance of those who came to hear the addresses remained above the 20,000 mark. The success of the luncheon meetings has been due not only to the presiding officers who held the chair during the quarterly terms, but to the central committee—Messrs. A. G. McFarland, Charles H. Kendrick and Charles Raas. The committee was assisted by faithful members, among whom Philip J. Fay and Thomas S. Williams gave notable service. The increase in attendance led the Board of Governors to make permanent the change from Saturday to Friday as the day of holding the weekly luncheon meeting.

Life Memberships

With the beginning of the year the new constitutional provision became operative, permitting members to take out life memberships. Including those elected in January, 1921, twenty-three members took advantage of the privilege. The names of these will be found in the membership list filed herewith.

Board of Governors and Executive Committee

The Board of Governors held twenty-seven meetings during 1920; the Executive Committee held fifty meetings. In January, 1920, two vacancies in the board were caused by the election of Frank P. Deering as Vice-President and by the resignation of Grant H. Smith. These were filled by election of Frederick Whitton and E. T. Thurston.

The Executive Committee for the year was made up as follows: T. D. Boardman, chairman; Albert E. Boynton, Beverly L. Hodghead, J. M. Kepner, Frederick Whitton. The President, Vice-President and Secretary usually attended as ex officio members and disposed of the routine business of the Club.

Policies for Promotion

At the meeting of the Board of Governors April 15, 1920, a resolution was passed favoring the establishment of a National Department of Public Works, and ordered sent to the Congressmen from California.

Plans for an initiative amendment to the State Constitution for the establishment of an executive budget system were discussed from time to time, but owing to failure to agree on the text of the amendment, were postponed to the election of 1922.

On request of the Public Education Society of San Francisco, the Executive Committee on June 7th voted to send a delegate to a conference of civic organizations to consider amendments to the school department provisions of the San Francisco charter. J. M. Kepner was appointed. At the meeting of the Board of Governors on August 5th, Mr. Kepner reported that the conference had agreed on an amendment providing for a school board of seven members to be appointed by the Mayor, subject to confirmation by the electors, one member to go out each year; the members to be paid a per diem for attendance; the total for all members not to exceed $5000 in any one year; the superintendent of schools and his assistants to be chosen by the board without reference to residence. The amendment was unanimously approved by the Governors, and notification sent to the members of the Club with the August notice. No objections being received, the action was regarded as approved.

Request was presented to the Board of Supervisors that the amendment be placed upon the ballot at the November election. Similar action was taken by the majority of the organizations participating in the conference, and the conference plan was placed before the voters. The Club entered actively into the campaign and the amendment was ratified by the people and approved by the Legislature. The novel plan for the appointment and confirmation of the school board was taken from the plan devised by the Club's Committee on Appointment of Judges (1915) and was accepted as a satisfactory compromise between the appointive and the elective system. At the request of the San Francisco Labor Council the Board of Governors issued a statement October 21st answering the charge that the amendment was inspired by religious bigotry. The statement was presented to the public press and widely distributed, and assisted to secure the adoption of the amendment.

Printing Luncheon Addresses

Owing to the frequent requests from members for publication of the luncheon addresses, Mr. E. J. Mott was asked to present a plan for furnishing copies to members at a reasonable cost. He reported that addresses could be taken down and multigraphed copies furnished members at 25 cents apiece, provided that not less than 300 members agreed to take the service. The plan was then sent to all members, but only 118 signed cards were returned. The plan was therefore abandoned.

Police Court Amendment

At the request of the Civic League of Improvement Clubs the Section on Judiciary was authorized to send delegates to a conference to discuss an amendment to the police court provisions of the charter of San Francisco. The conference after several meetings agreed on an amendment providing for reducing the number of judges from four to three, increasing their salaries from $3600 to $6000 a year, and providing for appointment by the Mayor subject to confirmation by the electors instead of election; with provision for removal by recall, by court process or by the Mayor and fourteen supervisors. The supervisors refused to give the amendment a place on the ballot, and as it was too late to file an initiative petition the matter was laid over to the charter election of 1922.

Amendment to Club's Constitution

At the November meeting the Committee on Nominations presented a recommendation that Mr. John P. Young be made an honorary member of the Board of Governors. Mr. Young has served as a member of the Board and Treasurer of the Club from February, 1903, when the Club was organized, and now desired to be relieved of the weight of duties. It was the opinion of the committee that his experience and interest in the Club's work should be retained without making the matter burdensome to him. As a tribute to Mr. Young the plan was approved. An amendment was presented and was sent to a postcard vote of the membership by the December notice in the following form:

"Amend Article IV by adding a new Section as follows:
Section 5. Any member who has served for seventeen years as Treasurer of the Club, shall be a member of the Board of Governors so long as he remains a member of the Club. He shall have the same powers as other Governors."

The amendment was ratified by the members by the following vote: Yes, 940, no, 43.

Postcard Votes

At the request of the Section on Immigration a postcard vote was taken November 13th on two questions submitted by the section. As

the total number of ballots received was only 1019 out of 2800 members a supplemental card was sent December 11th to the members who had not voted, and 570 additional ballots were received at the close of the voting December 27th.

The questions and votes were as follows:

Total votes cast	1595
1. For Permanent Exclusion of Asiatic Labor	1020
Against Permanent Exclusion of Asiatic Labor	513
2. For Suspension of all Unskilled Immigration for Two Years	847
Against Suspension of All Unskilled Immigration for Two Years	671

The following questions approved by the Club meetings during the year were sent out to the Club membership January 1st for expression of opinion. The vote was closed and canvassed February 1st with the following results:

Total Votes Cast 1082

	YES	NO
1. Psychopathic examination of criminals	848	125
2. For establishment of Small Claims Court	949	62
3. For providing for a Public Defender (in large cities)	871	133
4. For compulsory voting (imposing $5 poll tax with exemption for those who have voted)	713	303
5. Permitting choice of voting residence	644	348
6. Permitting count of ballots at central office	779	158
7. Registration every six years	736	255
8. Forbidding nomination of candidates with another party	624	344

From the foregoing condensed account of the Club's activities during the year it may be seen that the Club is fulfilling to a degree its function as a great public service organization. Dealing chiefly with State affairs, it performs a service that no other organization takes up, and its usefulness to the people of the State more than justifies the expense and labor of its maintenance.

Respectfully submitted,

E. A. WALCOTT,
Executive Secretary.

February 1, 1921.

Club Mysteries

The Club meeting of January 20, 1921, crowded the Colonial room of the Hotel St. Francis with members and the galleries with guests. After President Boardman was welcomed into office by ex-President Hodghead, and the inaugural address was delivered, and some surprising telegrams from celebrities had been read, the California feminist movement was represented in a speech by David R. Eisenbach. The local police court situation and the national presidential campaign were then dealt with in frivolous fashion, and some real music furnished. The program of the evening was as follows:

COMMONWEALTH CLUB OF CALIFORNIA

CLUB MYSTERIES

HOTEL ST FRANCIS JANUARY 20, 1921.

Any Member Caught Revealing Secrets Will Be Liable to a Rest.
Don't Laugh—It May Not be Meant for a Joke.

Any Member of Prominence Who Does Not Consider Himself Personally Insulted at Some Part of the Performance Will Please File Complaint With the January Committee.

Stage Under Management of.....WILLARD W. BEATTY
Action Directed by.....MRS. J. J. CUDDY

Exits under the Management of the Hotel St. Francis. Don't block them, as insulted members may desire to leave early.

PROGRAM

1.—7:50 p. m.: March of the Italian Diners into the Colonial Room Bearing Chairs Instead of Palm Branches.

2.—8:00 p. m.: Exhibition of Life-Size Model of the New President.
(Prize Will be Given to Any Member Who Can Tell This Speaking Likeness From the Genuine.)

3.—Minutes of the Year 1920 ("Let George Do It")......"George"

4.—Music .....Chas. F. Bulotti, Austin Sperry and Uda Waldrop

5.—TRAGICAL COMEDY (after Shakespeare—about 400 years after)—

The Bootleggers Revenge
or
Ten Nights in a Drug Store

(Liberal Reward to Any Member Who Can Find Any Connection Between Title and Plot.)

CHARACTERS (In Order of Appearance):

Judge Punko ..... J. John Eppinger
Officer Pullem ..... Eugene L. Grunsky
Joe (of the Banana Seller's Union) ..... Dr. J. W. Leggett
G. W. L. McK. Jenkins ..... Dr. Robert M. Leggett
Sing Foo ..... S. V. Gunnison
Ricky Dee ..... Rudolph Hess
McFarland ..... Himself
Brolaski ..... Frederick Hirschler

Time—Last century of the un-Christian Era.
Scene—Courtroom of Judge Punko.

6.—Any member desiring to confer in chambers with Judge Punko will be excused on request to the President.
7.—More Music ..... Chas. F. Bulotti and Same Gang
8.—THE DIREFUL MELODRAMA IN THREE ACTS—

From a Washtub to a Palace
or
Why Girls Leave Home

By Leo D. Byrne

CHARACTERS (In order of Appearance):

Mary League of Nations, the Heroine ..... Miss Zeta Harrison
Wilson Democrat, an old family retainer ..... Dr. Robert M. Leggett
Mother Wilson, Mary's mother ..... J. G. De Forest
Gavin McNab, a canny Scot ..... Fred S. Myrtle
Senator Henry Cabot Lodge, the Villain ..... Leo D. Byrne
Senator Hiram W. Johnson, assistant Villain ..... A. B. Anderson
Senator William E. Borah, a conspirator ..... David R. Eisenbach
Senator Philander C. Knox, a conspirator ..... Dr. J. W. Leggett
Charles S. Wheeler, a convention(al) orator ..... Joseph M. Cumming
Sam Shortridge, just arrived (after a long wait) ..... Fred S. Myrtle
John Doe Public, the Hero ..... Dudley D. Sales

Mrs. M. W. McCauley at the Piano

Act I—"Dark Days"—The Old Home at Peaceville.
Act II—"The Conspiracy"—The Cellar of the Hotel Blackburn, Chicago.
Act III—"The Triumph"—Pennsylvania Avenue, Washington, D. C.

9.—Exhibition of an Egress.
N. B.—Any Member Bringing "His Own" Must Show Considine Permit in a Conspicuous Place.

Monthly Meetings of 1920

The dinner meetings of the Club were held at the Hotel St. Francis, San Francisco, on the third Thursday of every month. The attendance showed the usual wide variation, depending on the popular interest rather than on the real importance of the questions discussed. The subjects, speakers and attendance were as follows:

January 15th—Club Mysteries; preceded by transfer of the gavel from ex-President Boynton to President Grunsky, and presentation by T. D. Boardman of a silver set, gift of the members to the retiring President. The minutes of the year and of the Governors were given by "George" and disapproved. "The Inquest on the Body of the late John Barleycorn" was held by Fred G. Athearn as Coroner, and by John L. McNab, Frank V. Cornish, Dudley D. Sales, Fred S. Myrtle, J. G. De Forest, A. G. McFarland, W. V. Stafford, B. Grant Taylor, Dr. R. Knight Smith, E. F. Adams, Edward Rainey, Dr. G. W. Merritt, Albert E. Boynton, and Capt. C. E. Grunsky. Roy Folger and Louis Steiger presented some striking disclosures regarding the bird life of China, and Primrose and Wests' Bromide Minstrels concluded the Mysteries with the assistance of Grant H. Smith, Andrew Y. Wood, David R. Eisenbach, A. B. Anderson, Byron Mobbs, Dr. A. A. Arbogast, W. W. Davis, Jean Cardinell, Mark White, P. S. Carlton, A. R. Still, B. M. Stich, R. H. Lachmund, W. W. Beatty. Present about 640.

February 19th—"A Standard of Value." Report by Chairman Rettenmayer of the Section on Industrial Relations. Address by C. E. Grunsky on "A Commodity Unit to Supplement Money as a Standard of Value"; Norman Lombard on "The Fisher Plan for Stabilizing the Dollar"; and Prof. Edwin R. A. Seligman on "The Economic and Political Aspects of Plans for a Compensated Dollar." Discussed by Edward F. Adams, John E. Bennett, David Atkins and Russell Lowry. Present about 270.

March 18th—"An Administrative Budget." Report of the Section of Public Budgets by John F. Forbes. Discussed by Will H. Fischer, Paul Eliel, C. C. Boynton, Victor J. West, J. M. Kepner, George A. Clough, Wm. Dolge, Frank V. Cornish, Lester G. Burnett, U. S. Webb, E. F. Adams, M. C. Sloss. Report on a civil service amendment to the State Constitution, by Seward C. Simons, Charles Wesley Reed and Edgar Williams; discussed by W. V. Stafford, M. C. Sloss, E. F. Moran. Present about 100.

April 15th—"Reservations to the Peace Treaty." Report by Edward Krehbiel, Chairman Section on International Relations. Argument for reservations, David P. Barrows; against reservations Rev. Josiah Sibley. Discussed by Peter Clark Macfarlane and John H. Miller for reservations and Walker C. Graves, R. L. McWilliams, J. J. Arnold, W. W. Sanderson, David H. Dexter, Grover O'Connor and Norman Lombard against the reservations. The Club Meeting adopted a resolution requesting the Board of Governors to consider the appointment of a committee to investigate the problems associated with the gathering and dissemination of news. Present, about 300.

May 20th—"The Poor Man in Court, Can He Get Justice?" Report by Edward Hohfeld, Chairman Section on Judiciary; A. A. Rosenshine, on "The Small Claims Court"; Wm. H. Gorrill on "The Public Defender"; Walton J. Wood of Los Angeles County on "Six Years Experience as a Public Defender." Discussed by Wm. E. Billings, Edward F. Adams, Robert W. Dennis, Charles Raas, C. C. Boynton, Alden Ames, Courtney L. Moore, Henry E. Monroe, James G. Conlan, R. Justin Miller, J. H. McDonough. Present, about 140.

June 17th—"Our Duty to Mexico." For intervention, Peter Clark Macfarlane; against intervention, W. W. Mackie; business considerations, Thos. E. Gibbon. Discussed by F. C. Peterson, Gurdon Bradley, R. M. J. Armstrong, Edward Berwick, M. Lyle, W. V. Stafford. Present, about 250.

July 15th—"Immigration Restriction and the Alien Land Law." Report of Immigration Section by H. H. Beers; for Alien Land Law, Wm. Kent; against Alien Land Law, John P. Irish. "The Welty Bill to Restrict Immigration," by Roy Malcolm. Discussion by Wallace M. Alexander. Present, about 280.

August 19th—"Constitutional Amendments and Referred Acts of 1920." S. C. A. No. 10, constitutional convention. Report against convention, Curtis D. Wilbur; for convention, Chester H. Rowell; members present voting, for 70, against 23.

S. C. A. No. 19, state aid to children. Report of Section on Taxation, (for) by Herbert W. Clark. Vote, yes, 64; no, 4.

S. C. A. No. 40, exempting orphan asylums. Section report against by H. W. Clark. For, 2; against, 89.

S. C. A. No. 13, poll tax on aliens. Section Report against by H. W. Clark. For, 6; against, 72.

Single Tax, Section report against, by H. W. Clark. For, 8; against, 85.

Increase in School Tax. Section report against, by H. W. Clark; for, by Will C. Wood. For, 61; against, 17.

Twelve-cent tax for University (Section report against). Warren Gregory, for; Clyde L. Seavey, against. Vote, for, 33; against, 62.

Increase interest rate on Highway bonds. Section report against. H. A. Mason, for. Vote, for, 61; against, 31.

Constitutional amendment to require 25 per cent of signatures to initiate tax measures; for, Leslie E. Burks; against, Clarence E. Todd, E. R. Zion, Frank V. Cornish. Vote, for, 35; against, 72.

Community Property bill. For, Herbert C. Jones; against, Henry E. Monroe, Garret W. McEnerney. Vote, for, 7; against, 83.

A. C. A. No. 10, absent voters. Section report against, by Wm. H. Jordan. Vote, yes, 1; no, 49.

Anti-Vaccination. Section report against, by Dr. Wm. Ophuls. For, Peter V. Ross. Yes, 8; no, 43.

Anti-Vivisection (Report waived). Yes, 3; no, 51.

Chiropractic Examiners—Report by Dr. Ophuls. Yes, 0; no, 39.

Irrigation Act. Report by Frank Adams. No vote.

Prohibition Enforcement Act. Report by Rolla V. Watt; discussed by R. M. J. Armstrong and Franklin Hichborn. Yes, 44; no, 0.

Present, about 210 (150 members).

September 16th—Problem of the Prisoner; Can He Be Returned to Society?" Remarks by W. S. Wollner, for Section on Delinquency; Captain Duncan Matheson, "Practical Application of Psychopathic Methods of Grading Prisoners." Warden James A. Johnston, "Treatment and Training of the Prisoner." Ed. H. Whyte, "Assisting Paroled Prisoners." Charles Brandon Booth, "Assistance Given Prisoners Who Have Served Their Terms." Discussed by F. H. Dam, Geo. E. Crothers, E. F. Adams, Albert E. Boynton, Dr. H. M. Wright, August Vollmer. Resolved, that the Governors be requested to take up subject of securing adequate psychopathic examination of criminals. Present, about 200.

October 21st—Nominating Committee elected. Grant H. Smith and Frank D. Stringham named by Governors; Chas. S. Wheeler, Henry A. Koster and A. G. McFarland named by Elisor Chas. Raas.

Seward C. Simons, Chairman of the Section on Civil Service reported amended form of civil service amendment to constitution approved by all elements who opposed draft submitted to March meeting. Section authorized to present draft to Governor with request that it be made a part of the constitution.

"Water Power and Irrigation." Report of Section on Water Power, by E. B. Bumsted; "Water Power Situation on the Pacific Coast," Paul M. Downing; "Review of Water Power Development of the State," Frank Adams; "Our Undeveloped Water Resources," H. G. Butler; "Present Activity in the Use of Water," Charles H. Lee; "Financing Power and Irrigation Development," Alfred T. Brock. Resolution to request Section to draft measures and submit them to the Board of Governors for promotion. About 200 present.

November 18th—Report of the Committee on Nominations (see Officers of the Club). Committee proposes amendment to the constitution to make John P. Young an honorary member of the Board of Governors for life. Report by Chairman Hohfeld of Judiciary Section on "Our Jury System; Can It Be Improved," Lester G. Burnett, Randolph V. Whiting, Perry Evans, Justice Curtis D. Wilbur, Justice William P. Lawlor, Rolla V. Watt, A. E. Bolton, James M. Hyde, J. M. Kepner, C. C. Boynton, L. L. Dennett. The Section's recommendation at May meeting on Small Claims Court and Public Defender approved. About 80 present.

December 16th—Election of officers; Frank Adams and E. B. Bumsted named tellers; ticket named at November meeting elected without opposition. Amendment to constitution to make Treasurer John P. Young honorary member of the Board of Governors for life passed after "honorary" had been stricken out, and sent to a postcard vote of members. Report by Wm. H. Jordan, Chairman Committee on Election Laws, on "Compulsory Voting," discussed by R. C. Ogden, C. C. Boynton; approved, 21 to 17, Cameron Haight King, (for J. H. Zemansky) on "Central Count of Votes, and Six Year Registration," former approved, 31 to 0; latter, 23 to 3. Henry M. Owens on "Choice of Voting Residence"; discussed by Perry Evans, F. V. Keesling, James M. Hyde, J. H. Barber, W. H. Jordan, W. V. Stafford; approved, 34 to 2; "Changes in the Primary Law," by F. V. Keesling; discussed by James M. Hyde, R. C. Ogden; approved, 21 to 2.

"Policies on Water Power and Irrigation." Discussed by Frank Adams, W. A. Beard. Approved.

Present, about 80.

During the year 1754 attended the dinners and about 2750 attended the discussions.

Luncheon Meetings

Attendance

	Total		Table	Total
1908	40 (approximate)	1914		7,623
1909	1,500 (approximate)	1915		6,534
1910	2,521	1916	7,463	9,065
1911	5,124	1917	11,505	14,657
1912	7,117	1918	12,499	17,675
1913	5,450	1919	13,419	23,140
		1920	16,225	20,885

The following members have held the office of chairman of the luncheon meetings, the usual term of office being three months:

1908—Robert T. Devlin.
1909—Thomas E. Haven, Charles A. Murdock, W. H. Jordan.
1910—Byron Mauzy, W. B. Webster, J. B. Bocarde, Charles Wesley Reed.
1911—Alexander Russell, C. M. Wollenberg, James Ferguson, Thomas E. Hayden.
1912—Philip Bancroft, A. H. Giannini, Alonzo G. McFarland.
1913—George E. Crothers, Dr. R. Knight Smith, Dr. George H. Evans, J. N. Odell.
1914—B. Grant Taylor, Grant H. Smith, Randolph V. Whiting, Frank D. Stringham.
1915—Charles R. Detrick, William H. Gorrill, Horace Davis, Zoeth S. Eldredge.
1916—J. M. Kepner, Thomas S. Williams, Albert E. Boynton, John F. Davis.
1917—R. B. Hale, Max Thelen, John A. Britton, B. F. Schlesinger.
1918—Rolla V. Watt, Frank P. Deering, John A. McGregor, Charles K. Field.
1919—Alexander F. Morrison, W. Mayo Newhall, E. W. Wilson, Warren Olney, Jr.
1920—Frank R. Devlin, William H. Waste, Charles H. Bentley, Charles S. Wheeler.

Sixty-three luncheons were held during the year. Arrangements were under the control of a central committee consisting of Alonzo G. McFarland, Charles H. Kendrick and Charles Raas, assisted by several members.

The experiment of holding the meetings on Fridays instead of Saturdays drew a larger number to meet at the table, but led to some decrease in the attendance after the meal. Several special meetings were held on Saturday, but the attendance showed such a decline that the committee was not encouraged to extend the number. Friday was therefore adopted permanently as the meeting day, special meetings being held on other days when necessary to give the members opportunity to hear some speaker who could not be present on Friday.

The meetings and the total attendance at each were as follows:

JANUARY-MARCH QUARTER—Frank R. Devlin, Chairman.

January 2nd—Raphael Emmanuel, on "Mesopotamia Today—Present Conditions in the Ancient Garden of Eden." Present 149.

January 9th—Rev. James L. Gordon, on "What We Have We Hold." Present 174.

January 16th—Julean Arnold, American Commercial Attache at Peking, on "The New China." Present 243.

January 23rd—Frank P. Deering, on "From Japan to Siam." Present 312.

January 24th—General Mezrop Newton Azgapetian of the Armenian Army, on "Persia, the Caucasus, and the Near East." Present 141.

January 30th—John Collier, on "The Moving Picture, Organized Leisure and Americanization." Present 198.

February 6th—Prof. Edwin R. A. Seligman, of Columbia University, New York, on "The Present Economic Outlook." Present 322.

February 13th—Dr. Tully C. Knoles of the College of the Pacific, on "The Ultimate Test of Democracy." Present 173.

February 20th—Yehudah Barak, on "The Political and Economic Situation in Palestine." Present 246.

February 27th—Rev. Dr. Thomas Van Ness, on "Leaders of Southern and Northern China I Have Met." Present 225.

March 5th—Capt. H. M. Gleason, U. S. N., on "How We Build a Dreadnaught." Present 239.

March 12th—Prof. Ephraim Douglas Adams of Stanford University, on "Side Lights on European Conditions." Present 302.

March 19th—Lt. Col. George A. Hunt, U. S. A., on "Flame Projectors and Gas Shells in War." Mrs. Wendell Phillips, President of the National "Carry On" Association, on "Experiences in France and the United States with the Wounded Soldiers." Present 269.

March 20th—Arthur Percival Newton, Professor of Colonial History in the University of London, on "The Organization and Problems of the British Empire Commonwealth." Present 172.

March 26th—William Allen Neilson, President of Smith College, Massachusetts, on "The Hunger Strike in the American School." Reception to Raphael Weill. Remarks by John A. Britton, Julian Neltner and Raphael Weill. Present 266.

APRIL-JUNE QUARTER—William H. Waste, Chairman.

April 2nd—Samuel O. Dunn, Editor *Railway Age,* on "American Industry and the Railroad Situation." Present 273.

April 9th—Helen Taft, Acting President Bryn Mawr College, on "Modern Tendencies in Education." Present 407.

April 15th—Peter W. Collins, Director General of Re-construction and Employment, Knights of Columbus, on "The Bolsheviks at Our Door." Present 286.

April 23rd—Rudolph Bukeley of Honolulu, on "Experiences of a Red Cross Man in Siberia." Present 249.

April 27th—Hon. Charles R. Crane, U. S. Minister to China. Reception. Present 374.

April 30th—Major Jesse Walton Wooldridge, U. S. A., on "Bayonet Work at Chateau Thierry." Present 264.

May 7th—A. R. Hager, Representative Shanghai Chamber of Commerce, on "Shanghai, the Gateway to China, and American Opportunities in the Orient." Present 209.

May 14th—Hon. William C. Redfield, President of the Russian-American Chamber of Commerce, on "Russia—An American Problem." Present 466.

May 21st—Jerome B. Landfield, Executive Vice-President, American Russian Chamber of Commerce, on "The Truth About Russia." Present 314.

May 28th—C. W. Banta, Vice-President Wells Fargo Nevada National Bank, on "Co-operation in Competition." Present 182.

June 1st—Thomas W. Lamont of J. P. Morgan & Co., New York City, on "The Consortium in China." Present 373.

June 4th—F. W. Cook, Chairman British Drapers' Chamber of Trade, on "Present Conditions in British Industry." F. Langley, on "An Englishman's Impressions." Present 305.

June 11th—Charles Brandon Booth, Volunteers of America, on "The Great Prison Problem of America." Present 203.

June 12th—Hon. Robert L. Owen, Senator from Oklahoma, on "The Threat of Industrial Depression." Present 223.

June 18th—William H. Crocker and Charles Stetson Wheeler, on "The Convention at Chicago." Present 461.

June 25th—Homer S. Cummings of Connecticut, Chairman of the Democratic National Committee, on "American Politics." Present 427.

June 26th—Hon. William Jennings Bryan, on "The Coming Democratic Platform." Present 905.

June 30th—Mark Sullivan of New York, on "The Conventions." Present 290.

JULY-SEPTEMBER QUARTER—Charles H. Bentley, Chairman.

July 2nd—Samuel Gompers, President American Federation of Labor, on "The Way Out." Present 610.

July 7th—Prof. Albert Bushnell Hart of Harvard University, on "American Problems and Perils." Present 165.

July 9th—Prof. Morris Jastrow, Jr., of the University of Pennsylvania, on "America's Interest in the Near East." Present 232.

July 13th—Richmond Pearson Hobson, on "Why I Became a Prohibitionist," and Wm. E. ("Pussyfoot") Johnson, on "The Prohibition Movement Abroad." Present 347.

July 16th—P. J. Haltigan, Reading Clerk House of Representatives, on "The American Congress and the National Capital." Present 212.

July 23rd—William J. Burns, on "War Espionage." Present 376.

July 30th—Prof. James W. Garner, Department of Political Science, University of Illinois, on "Our Foreign Policy and America's Duty." Present 214.

August 6th—J. B. Levison, President Fireman's Fund Insurance Co., on "Observations in Europe on Reaction from War Conditions." Present 305.

August 13th—Karol Pindor, Consul of Poland, on "Conditions in Poland and Future Relations with the United States." Present 318.

August 20th—David P. Barrows, President of the University of California, on "Europe Revisited." Present 660.

August 27th—Prof. Vernon L. Kellogg, on "Problems of the Peace." Present 372.

August 28th—Dr. C. K. Edmunds, President Canton Christian College, on "The Present Situation in China." Present 130.

September 3rd—Leslie M. Shaw, Ex-Secretary of the Treasury, on "The Financial Problems of the United States." Present 366.

September 10th—Most Reverend Edward J. Hanna, Archbishop of San Francisco, on "Italy After the War—A Test of Civilization." Present 286.

September 17th—Navy Day Luncheon. Rear Admiral Joseph L. Jayne, on "The Super-dreadnaught California." Capt. E. L. Beach, U. S. N., Commandant Mare Island Navy Yard, on "The Surrender of the German Fleet." Lt. Commander G. M. Weichelt, U. S. N., on "The Spirit of the Navy." Present 295.

September 24th—Commander John H. Blackburn, U. S. N., on "The Story of the Leviathan, the Largest Troopship in the World." Present 307.

October 1st—Robert Dollar, on "Observations in Europe—With Comments on the Shipping Situation." Present 410.

OCTOBER-DECEMBER QUARTER—Charles S. Wheeler, Chairman.

October 8th—Dr. Ira Landrith, on "Bolshevism with a Haircut and Shave." Present 420.

October 15th—"Some Charter Amendments."

Schools (No. 37)—For, J. W. Mullen; against, Edw. F. Moran.

Civil Service (Nos. 27, 33, 34, 35, 36)—Seward C. Simons; Andrew J. Gallagher.
Library Tax (No. 40)—Charles H. Bentley.
Police Salaries (No. 23)—Theodore J. Roche.
Police Court (No. 46)—For, Edwin G. Bath; against, R. M. J. Armstrong.
Public Utilities (Nos. 28, 29, 30)—M. M. O'Shaughnessy. Present 428.

October 22nd—Professor D. M. Folsom, on "The Fuel Oil Situation on the Pacific Coast." Present 311.

October 29th—Frederick J. Koster, on "Business Conditions in the United States." Present 362.

November 5th—Hon. Louis Bartlett, Mayor of Berkeley, on "The East Bay Water District." B. F. Schlesinger, Manager "The Emporium," on "European Commercial Observations." Present 359.

November 12th—Paul Scharrenberg, Secretary-Treasurer of the State Federation of Labor, on "Labor Conditions in Europe." Present 314.

November 19th—Prof. H. R. Fairclough, on "Montenegro and the Balkans; 17 Months' Experience in the War-Torn Districts." Present 273.

November 26th—John S. Drum, President American Bankers' Association, and President Mercantile Trust Co., on "Financial Signs of the Times." Present 405.

December 3rd—Charles S. Cushing, on "European Conditions After the War as I Saw Them." Present 366.

December 10th—Max Thelen, on "Impressions and Observations at Washington." Present 387.

December 17th—Frank B. Anderson, President Bank of California, on "The General Financial Situation." Present 486.

December 22nd—General Robert Georges Nivelle. Reception. Present 757.

December 31st—Admiral Sir Lewis Bayly, R. N. Reception. Remarks by Peter Clarke Macfarlane, Capt. H. B. Price, U. S. N., and Admiral Bayly on the patrol of the waters off the coast of Ireland by the combined British and American naval forces. Present 710.

Members in War Service

Since the publication of Vol. XIV, No. 14 (January, 1920), "War Service of the Club," the following additional records of service have been received:

CLEARY, ERNEST W.—Major, Medical Corps, U. S. A. Entered February 22nd, 1918, at San Francisco. May 1st, 1918, New York Orthopædic Hospital. May 25th, 1918, Chief of Orthopædic section and later chief of surgical service, General Hospital No. 9, Lakewood, N. J., one of the most active of the Reconstruction Centers for over a year. Mustered out June 5, 1919, at Lakewood, New Jersey.

GODDARD, MALCOLM—Captain, U. S. A. Entered Dental Corps, June 22, 1917, San Francisco. Served year and a half in France, Base Hospital No. 30, Royat, Puy de Dorne; Camp Hospital A. P. O. 723, Puy de Dorne; Base Hospital No. 57, Paris. Mustered out at Camp Dix, N. J., September 26, 1919.

GREGORY, THOMAS T. C.—Captain, Field Artillery, U. S. A. Entered August 5, 1917, at San Francisco. August 16, 1918, left for Europe, 144th Field Artillery, 40th Division. Transferred December 1, 1918, at request of Herbert Hoover, to his personal staff, Paris, and elsewhere in Europe, until January 1, 1919. Entered Austria, until September 1, 1919, Chief of American Food Mission; member Inter-Allied Mission for Central Europe; Head of American Relief Administration, Central Europe; Personal Representative Director-General of Relief, Herbert Hoover, for Central Europe.

KELLEY, EVAN W.—Major, Engineers, U. S. A. Entered at San Francisco July 12, 1917, Training Camp, Fort Leavenworth, Kansas, and Camp American, University, Washington, D. C. Served with 10th and 20th Engineers in France from September 9th, 1917, to June 15th, 1919. Served as Battalion Commander, Second Battalion, 10th Engineers, 12th Battalion, 20th Engineers, 9th Battalion, 20th Engineers. Promoted from grade of Captain, September 6, 1918. Mustered out at Washington, D. C., July 14th, 1919.

KELSEY, H. C.—Sergeant 1st Class, Spruce Production Division. Bureau of Aircraft Production, U. S. A. Entered at Berkeley, California, June 27, 1918; with Vancouver Cantonment, Washington, 94th Squadron, 4th Provisional Regiment. Mustered out February 7, 1919, at the Presidio, San Francisco.

LAW, STUART A.—Sergeant, First Class, U. S. A. Entered ambulance service with French army at Villiers, Marmery, France, September 19, 1917. Volunteer Ambulance Driver with French Army from June-September, 1917, with S. S. U. 632, Champagne Sector, Second Battle of Marne; Aisne-Meuse Advance; 22 months of service at front. Decorated with the Croix de Guerre by the 31st French Artillery for work in the second battle of the Marne. Mustered out April 26, 1919, at Camp Dix, New Jersey.

NAFFZIGER, HOWARD C.—Lieutenant Colonel, Medical Corps, U. S. A. Entered at San Francisco, September 24, 1917. From September 17th to February, 1918, at Base Hospital, Camp Sevier, S. C.; February, 1918, to April, 1918, Fort McHenry, Baltimore, Md.; April, 1918, to June, 1918, Surgeon General's Office, Washington, D. C.; June to July, 1918, Cape May, N. J., Base Hospital 115; August, 1918, to February, 1919, with Base Hospital and with Mobile Evacuation Hospitals behind the first and second armies in France, Argonne and Argonne-Meuse campaign; February to March, 1919, Surgeon General's Office, Washington, D. C.; March to August, 1919, Letterman General Hospital, San Francisco. Mustered out at Presidio, San Francisco, July 29, 1919.

ROSSI, ROBERT D.—Sergeant in Corps of Intelligence Police at time of discharge. Entered September 22, 1917, at Camp Lewis, Washington, in 347th Field Artillery, Battery F. Transferred January 1, 1918, to First Army Headquarters Regiment, Charlotte, North Carolina; sailed for France with regiment March 30, 1918; on June 17, 1918, assigned to Corps of Intelligence Police, Headquarters Service of Supplies, Tours; worked with the French at Regional Headquarters. Mustered out in France, June 5, 1919.

ROTHGANGER, GEORGE—Lieutenant Commander, Medical Corps, U. S. N. Commissioned as Assistant Surgeon, May 24, 1889; appointed from California. Commissioned Passed Assistant Surgeon, May 24, 1892; commissioned Surgeon, June 7, 1900; retired from active duty because of physical disability, December 8, 1908. On June 24, 1917, placed on active duty in charge of a course for assistant surgeons in the navy recently entered, in San Francisco. On January 17, 1918, ordered on special duty to the Island of Guam. On June 24, 1918, ordered as Medical Aide to the Commandant of the Twelfth Naval District. Relieved from all active duty December 31, 1918.

THOMPSON, HERBERT S.—Major, U. S. A. Entered Medical Service November 1, 1917, at Camp Kearney, San Diego, California. Transferred to Fort Mason, San Francisco, December, 1917; overseas March, 1918, Base Hospital No. 30, Evacuation Hospitals No. 1 and No. 14, Camp Hospital No. 23. Mustered out at Camp Dix, June 19, 1920.

THORNE, ISAAC WALTON—Lieutenant, Medical Corps, U. S. N. Reserve Force. Entered at San Francisco on November 26, 1917. Continuous service with Navy Base Hospital No. 2, Scotland, from February 22, 1918. Mustered out January 23, 1919, at San Francisco.

WARNER, MURRAY—Major, U. S. A. Entered Construction Division, Q. M. C., Camp Dix, N. J., Oct. 26, 1917. Died Oct. 2, 1920.

WARNER, SAMUEL B.—Second Lieutenant, Air Service, U. S. A. Entered December 10, 1917, at San Francisco. Training Camp—Georgia, Technical School, Atlanta, Georgia, and Langley Field, Hampton, Virginia. Service at Waco, Texas; Charlotte, North Carolina; Washington; Hampton, Virginia; Garden City, New York. Mustered out December 18, 1918, at Garden City, New York.

Civilian War Service

ADAMS, FRANK—Army Educational Corps, France.
BENTLEY, C. H.—Food Administration.
ENGS, EDWARD W.—Red Cross in France.
LINDLEY, CURTIS H.—Food Administration.
MERRILL, CHARLES W.—Food Administration.
MERRITT, RALPH P.—Food Administration.
PILLSBURY, A. F.—Emergency Fleet Corporation.
POND, SAMUEL—Food Administration.
REQUA, M. L.—Fuel Administration.
STONE, C. P.—Shipping Board.
THELEN, MAX—Railroad Administration.
WILBUR, R. L.—Food Administration.

The following members serving in the war have joined since the Armistice, November 11, 1918:

EPSTEIN, MILTON H.—Major, U. S. A. Commissioned Captain on August 30, 1917; served as Brigade Quartermaster and Brigade Intelligence Officer 162d Depot Brigade, Camp Pike, Arkansas, until Dec. 3, 1918; on Administrative Staff of U. S. A. General Hospital No. 9, Lakewood, N. J., from Dec. 5, 1918, to June 5, 1919, and was officer in charge General Hospital No. 9, Lakewood, N. J., from that date until Oct. 13, 1919, when discharged at Headquarters Eastern Department, Governor's Island, N. Y., as Major, U. S. R.

ERB, ARTHUR L.—First Lieutenant, U. S. A. Commissioned at the Presidio of San Francisco, May 10th, 1917. Assigned to the 363rd Infantry, 91st Division, and served with that organization from July 30, 1917, until June, 1918, at Camp Lewis, Washington. Sailed for France June 19, 1918, with advance party of the 91st Division. Service with same regiment and division in France in St. Mihiel, Meuse-Argonne and Ypres-Lys engagements. Transferred to 58th Infantry, 4th Division, in February, 1919. Service with 58th Infantry from February until July, 1919, at Coblentz, Germany, with the Army of Occupation. Mustered out of service at New York, September 18, 1919.

HARDY, EDWARD J.—Major, Signal Corps, U. S. A. Commissioned at San Francisco July 10, 1917, and ordered to active duty at Monterey, California;

attached to 8th Field Signal Battalion as commander Company A. Stationed Camp Greene, North Carolina, December 17, 1917, to April 30, 1918. Served overseas from April 30, 1918, to July 2, 1919. Officer in charge of the A. E. F. of the Photographic Section of the Signal Corps U. S. A. from June 20, 1918, until discharge. The Photographic Section was charged with the compilation of propaganda and historical record photographs for the U. S. War College. Service in Meuse, Argonne battles. Visited all battlefronts before and after armistice on inspection duty. Created Chevalier Legion D'Honneur, France, April 10, 1919. Awarded certificate for "exceptionally meritorious services in the A. E. F." May 2, 1919. Discharged at Washington, D. C., July 31, 1919. Commissioned Major, Officers' Reserve Corps, September 9, 1919.

JENSEN, JOSEPH F.—Regimental Sergeant Major, U. S. A. Enlisted as Private Co. B, Cal. Engineers, Los Angeles, Cal., June 8, 1917. To Camp Lewis, Wash., July 23, 1917. Assigned to Co. E, 117th Engineers 42nd (Rainbow) Division, Sept. 1, 1917, and transferred to Camp Mills, N. Y. Arrived overseas Nov. 1, 1917. Defensive sectors, Luneville and Bacarrat. Transferred to Headquarters Co. as Regimental Sergeant Major, June 15, 1918. Campaigns—Champagne-Marne, Aisne-Marne, St. Mihiel, Meuse-Argonne. Army of Occupation, Germany, until April 8, 1919. Returned to Camp Merritt, N. J., April 28, 1919, thence to Camp Jackson, S. C., and Camp Kearny, Cal. Discharged May 21, 1919.

LEGGETT, JOHN W.—Major, Dental Corps, U. S. A. Commissioned First Lieutenant, July 7, 1917. Called to active service September 17, 1917, at Camp Kearny, California. Served with 115th Engineers, Medical Detachment. Commissioned Captain D. C. March 27, 1918. Commanding officer Dental Infirmary No. 2, Camp Kearny, May 15 to July 26, 1918. District Dental Surgeon, District No. 2, Headquarters 40th Division at La Guerche, France, September 2 to October 27, 1918. On duty with 2nd Army Sanitary Train, in Toul Sector, October 27, 1918, to May 27, 1919. Commissioned Major D. C. March 24, 1919. Mustered out at Camp Dix, N. Y., June 27, 1919.

MCKAY, HOWARD SMITH—First Lieutenant Infantry, U. S. A. Entered at San Francisco, November 20, 1917, 115th Engineers November 20, 1917—May 15, 1918. 4th O. T. S. Camps Kearny and Fremont, 82nd Inf. Camp Kearny September, 1918—January, 1919. Mustered out January, 1919.

MITCHELL, EDWARD J.—Major, U. S. A. Entered May 11, 1917, at Presidio of San Francisco. First Officers' Training Camp, Presidio. First Corps School, Gondrecourt, France, 91st Division, 363rd Infantry, Captain Company C, 363rd Infantry. Battles—St. Mihiel, Meuse-Argonne, Lys-Scheldt. Awarded Distinguished Service Cross in Meuse-Argonne; Belgian Croix de Guerre in Lys-Scheldt. Mustered out May 19, 1919, at the Presidio of San Francisco.

WATSON, ALBERT H.—Major Field Artillery, U. S. A. Attended First Officers' Training Camp, Fort Riley, Kansas. Commissioned August 14, 1917. Assigned 342nd Field Artillery, 89th Division, Camp Funston, Kansas. Attended School of Fire, Fort Sill, Oklahoma, November, 1917, to February, 1918. Served overseas from May, 1918, to June, 1919, as Commander of 1st Battalion, 342nd Field Artillery, 89th Division. In training at Camp De Souje, Bordeaux, August, 1918. In action Saint Mihiel Salient, Pannes, St. Benoit, Hattonville, September 12th to November 11th, 1918. March into Germany, November 28th to December 8th, 1918. Army of Occupation in charge of area at Irrel, Germany, to May, 1920. Returned from overseas and discharged at Camp Funston, June 9, 1920.

WYMAN, OLIVER B.—Captain, Air Service, U. S. A. Commissioned at San Francisco September 4, 1917, as First Lieutenant. Ordered to active duty September 26, 1917, with station at Kelly Field, South San Antonio, Texas. Stationed at Garden City, Long Island, N. Y., as commanding officer 108 Aero Squadron, November 3, 1917. Sailed for overseas December 7, 1917. Stationed at Third Aviation Instruction Center, Issoudun, France, February 21, 1918, to January 22, 1919, with duties as follows: Commanding officer, 802 Aero Squadron; commanding officer, Main Barracks Division; assistant provost marshal; judge advocate, general court martial. January 24 to March 9, 1919, commanding officer, Second Artillery Aerial Observation School, Souge, France. Mustered out of service at New York, March 25, 1919.

Sections and Committees

The sections and committees of the Club have been active during the year, especially those concerned with the government of the Club or with preparing or passing on legislative measures. Following is a record of the number of meetings held:

Section and Committee Meetings

Agriculture	1
Chairmen of Sections and Committees	4
City Planning	2
Civil Service	15
Constitutional Convention	3
Delinquency	9
Education	10
Election Laws	8
Harbor Control	6
Immigration	23
Industrial Relations	42
International Relations	5
Irrigation	11
Judiciary	24
Mineral Resources	6
Pacific Ocean Commerce	2
Public Budgets	2
Public Health	6
Public Utilities	6
Taxation	2
Water Power	4

The following reports of the year's work are presented by the chairman. Where only membership is given no report has been received:

Section on Agriculture

Frank V. Cornish, Chairman

Edward F. Adams
Frank Adams
R. L. Adams
G. S. Allison
S. V. Armstrong
E. B. Babcock
J. H. Barber
L. A. Barrett
W. A. Beard
J. A. Bennett
Edward Berwick
A. P. Black
R. H. Brotherton
Byron Coleman
Robert H. Collins
F. B. Connolly
Stanley W. Cosby
W. G. Criswell
James B. Cutter
M. L. Gillogly
W. W. Gingles
Wm. Ham Hall
W. I. Hechtman
George C. Holberton
Frank Honeywell
James Horsburgh, Jr.
Thomas F. Hunt
Wells A. Hutchins
R. E. Hodges
Isidor Jacobs
M. Jongeneel
A. Kempkey
Charles B. Lipman
Norman Lombard
C. H. Loveland
B. F. Lynip
R. K. Malcolm
Elwood Mead
James Mills
David N. Morgan
James M. Oliver
Henry M. Owens
Howard M. Payne
A. J. Pillsbury
Charles Wesley Reed
G. P. Rixford
George M. Robertson
W. Flanders Setchel
Charles F. Shaw
John A. Sinclair
Clarence M. Smith
George E. Springer
John I. Stafford
W. V. Stafford
F. T. Swett
Fred H. Tibbetts
I. J. Truman, Jr.
Harris Weinstock
Walter W. Weir
E. J. Wickson
W. R. Williams
R. N. Wilson
E. D. Woodruff
Robert Newton Lynch

self-supporting than would be possible in the interior. The extensive land areas in the Berkeley hills would afford pasture to supplement experiments with beef cattle and sheep. From the use of garbage and other perishable by-products, swine feeding could be carried on extensively and this would furnish material for investigations in this line. Dairy herds, poultry flocks, and many other enterprises would be more fortunately located in this neighborhood. Students would not only be trained in production, but would thereby gain a knowledge of the processing, transportation and marketing ends of the industry and thus become leaders in the new profession of agriculture, which through cooperation seeks to handle transportation and marketing as well as the production of agricultural products. If the section can lend a hand to bring about some of these things during the coming year, we will be continuing the good work we have done through the substantial support by the Club of Land Settlement.

FRANK V. CORNISH, Chairman.

January 1, 1921.

Committee on Bay Cities Water Supply

A. E. Chandler, Chairman

George O. Bordwell
H. U. Brandenstein
John A. Britton
Leslie E. Burks
J. H. Coleman
Earl L. Cope
H. W. Crozier
R. H. Curry
Clifford G. Dennis
Henry D. Dewell
Oliver Ellsworth
C. E. Grunsky
D. J. Hall
William Ham Hall
Thos. E. Haven
George C. Holberton
A. Kempkey
George T. Klink
W. B. Lawrence
Marsden Manson
A. H. Markwart
C. W. Marwedel
Wynn Meredith
H. W. Mergenthal
George A. Merrill
B. H. Pendleton
C. J. Rhodin
Harrison Robinson
Chris Runckel
W. F. Sampson
J. C. Shinn
Charles A. Shurtleff
Grant H. Smith
Jesse H. Steinhart
Fred H. Tibbetts
W. F. Turnbull
H. H. Wadsworth

Section on City Planning

Henry G. Meyer, Chairman

E. O. Allen
G. A. Applegarth
A. S. Baldwin
O. T. Barber
Hermann Barth
W. W. Beatty
R. H. Branch
John C. Brickell
John A. Britton
H. W. Brundige
Wm. M. Bunker
Lester G. Burnett
Frank V. Cornish
Edwin A. Cottrell
Norman B. Courtney
Ernest Coxhead
Charles F. Craig
Mark Daniels
Harry Francis Davis
J. W. Dolliver
H. S. Dutton
W. S. Farley
James B. Feehan
John Ginty
B. D. M. Greene
C. E. Griffin
Wm. Ham Hall
E. J. Hardy
Geo. C. Holberton
St. George Holden
Frank L. Hunter
L. M. King
Emerson Knight
H. A. Lafler
Jos. A. Leonard
Percy V. Long
Burt F. Lum
Charles Lundstrom
Bernard Maybeck
F. H. Meyer
Duncan McDuffie
John McLaren

Ralph McLeran
J. R. Miller
S. I. Moore
L. H. Mooser
Chas. A. Murdock
M. M. O'Shaughnessy
John Reid, Jr.
C. J. Rhodin
Elmer I. Rowell
Richard Sachse
S. Schnaittacher
Arthur G. Scholz
Frank D. Stringham
H. Mortimer Smith
Matt I. Sullivan
Fred H. Tibbetts
P. R. Thompson
Edw. F. Treadwell
J. B. Tufts
Frank I. Turner
H. P. Vollmer
John I. Walter
E. R. Zion

To the President of the Commonwealth Club:

The Section on City Planning held a number of meetings on city planning in the offices of the Club on Kearny Street and also outside at luncheons given for the purpose of discussing this subject. The members of the section have been invited separately to different luncheons and dinners and other gatherings at which the principal subject of thought was that of city planning. The different members have also been at meetings in an unofficial capacity in different communities in California on subjects all pertaining to different phases of the main subject of city planning.

The leading question that has been before the committee is that of zoning. The reason for this is that the subject of zoning has been especially brought forward at the conference of the City Planning Commission of San Francisco. Different members of the section have been busy attending this conference given at the city hall, giving vent to their opinions when called upon.

Members have also called upon the commission at the city hall to find out what progress has been made on the subject of zoning and have been of some influence in speeding forward this cause.

Other subjects dealt with by the section have been, limiting the heights of buildings; parking of automobiles and auto traffic regulations. The section has also given considerable thought to the question of getting locations for comfort stations, in which so far very little progress has been made, as the property owners are unwilling to co-operate with the city in providing such stations as it would tend to lower the value of their business holdings.

Another leading subject that has been before the members of the section during the past year is the shortage of housing with the problem of the increasing rent cost as a result.

The section is now going ahead with their main subjects of thought as follows: Zoning, heights of buildings, parking of automobiles, automobile traffic regulations, shortage of housing and comfort stations.

HENRY G. MEYER, Chairman.

Section on Civil Service

Seward C. Simons, Chairman

Fred G. Athearn
W. P. Bentley
Ed. M. Coffey
Bruce Cornwall
Ed. A. Cottrell
J. R. Douglas
Melville W. Erskine
S. T. Farquhar
Andrew J. Gallagher
John Ginty
John R. Haynes
Ernest J. Hopkins
Leonard S. Leavy
Chas. A. Murdock
Percy V. Long
Charles Wesley Reed
J. H. Zemansky
W. W. Sanderson
George Skaller
Frank W. Trower
E. A. Walcott
W. R. Williams
C. M. Wollenberg
Allen G. Wright
C. C. Young

To the President of the Commonwealth Club:

During the year 1920 the Civil Service Section has held *fifteen* meetings. It has also participated in three public meetings of the Club.

At the Club meeting on March 18th, in conjunction with the Section of Public Budgets, the Civil Service Section recommended changes in the State constitution and the city charter. At that time, besides the chairman of the section, speakers were Messrs. Charles Wesley Reed and Edgar Williams.

At the Club meeting October 21st, the chairman of the section again addressed the Club on the subject of the State constitutional amendment.

On October 29th the chairman of the section addressed the luncheon meeting, explaining the proposed amendments to be passed on by the voters at the municipal election.

The chief work of the section during the year was proposing the framing of an amendment of the State constitution designed to incorporate therein the merit system now provided by legislative act. All interested parties throughout the State have expressed their approval of the draft and it is greatly hoped that this end, which has been striven for by many friends of the merit system for years, may be attained this year.

The section also, through a sub-committee, of which Mr. Paul Eliel was chairman, presented a report on methods and forms of examination, with particular reference to psychological tests. This report was placed in the hands of the Municipal Civil Service Commission and much of the material therein made available was later utilized.

The section also has well under way an investigation of the procedure of the State Civil Service Commission, and has secured a large amount of data relative to appointment in the State service. It has been brought out that out of about 7,250 appointments made during the year ending July 1, 1920, for the State service, only about 1,250 were made from civil service eligible lists; the remainder being direct

appointments, usually under the heading of "temporary," although the positions are, in many cases, permanent.

The committee thoroughly studied the matters affecting civil service which the voters were called upon to pass on at the city election, November 2nd. The election which followed, in all cases, resulted in the recommendation of the committee being sustained by the voters of the city.

It is believed that there is definite work outlined, which the section can well pursue during the following year; of primary importance will be the constitutional amendment framed by the section; also the further study of the State conditions which the section has already started to investigate.

As the chairman of the section is leaving San Francisco to take up his residence in Chicago, he takes this opportunity of thanking the members of the Board of Governors and of the section for their cordial and very efficient co-operation and expresses his pleasure at having had the opportunity of working with them.

SEWARD C. SIMONS, Chairman.

Committee on Commercial Arbitration Law

Charles A. Shurtleff, Chairman

Frank S. Brittain
Charles M. Gunn
Thomas Jennings
R. B. Hale

Committee on Community Property Law

Frank D. Stringham, Chairman

Albert E. Boynton
Charles S. Cushing
Beverly L. Hodghead
Edward Hohfeld
R. L. McWilliams
Joseph Kirk
Garrett W. McEnerney

Section on Delinquency

W. S. Wollner, Chairman

Frederick E. Allen
John C. Altman
Alden Ames
Frank Angell
J. C. Astredo
T. J. Bacigalupi
Albert E. Boynton
H. Alexander Brown
L. D. Compton
S. H. Dadisman
Earle Derby
Henry Eickhoff
Melville W. Erskine
Otto G. Freyermuth
Morton R. Gibbons
A. Gottlieb
Daniel W. Hone
James A. Johnston
A. C. Keane
A. M. Kidd
Arnold C. Lackenbach
I. Irving Lipsitch
H. J. Maginnity
James M. Malloch
Duncan Matheson
E. P. Meinecke
Martin A. Meyer
Milton Newmark
W. H. Nicholl
B. P. Oliver
Arthur A. O'Neill
R. E. Queen
Henry Raphael
A. B. Richards
J. W. Robertson
Delger Trowbridge
George C. Turner
August Vollmer
Curtis D. Wilbur
C. M. Wollenberg
Andrew Y. Wood
Harold W. Wright

To the President of the Commonwealth Club:

As per your request, I am pleased to furnish herein a report of the activities of the Delinquency Section during the year just closed.

During 1920 nine meetings of the section were held, all of which were well attended. As stated in my last report to you, the section gave considerable attention to investigating the "Relationship of Prohibition to Delinquency." We had planned to present a report on this matter at a meeting of the Club, but it was the opinion of the members of the section that such a report had best be deferred until data covering a longer period of prohibition enforcement were available.

The opportunity offering to secure speakers well qualified to inform us as to the topic, the section prepared and presented a report to the Club at its October meeting on "The Problem of the Prisoner." At this meeting the following program was presented:

"The Practical Application of the Psychopathic Method of Grading Prisoners," by Captain Duncan Matheson, Chief of Detectives of the San Francisco Police Department.

"Treatment and Training of the Prisoner," by James A. Johnston, Warden of San Quentin Prison.

"Assisting Paroled Prisoners," by Edward H. Whyte, State Parole Officer.

"Assistance Given Prisoners Who Have Served Their Terms," by Charles Brandon Booth of the Volunteers of America.

At the close of this meeting a motion was duly made and passed "that it is the sense of the Commonwealth Club that legislation be enacted in a suitable and appropriate way to the end that immediately upon the happening of a crime in this State there shall be a psychopathic examination of the person charged with a crime or who is known to have committed the act, whatever the defense may be, for the guidance of those who shall have the determination of the case."

A postcard vote of the membership showed that 756 members were in favor of the psychopathic examination of criminals and 112 opposed to it. The Club thus having expressed preponderately its desire for psychopathic examination of criminals, the Section on Delinquency has prepared itself to follow this matter to a logical conclusion.

The wave of crime that swept the country during the latter part of 1920, which was forcibly brought to the attention of the local public by the so-called "Howard street gangsters'" case, showed that a lack of understanding exists on the part of the public as to the difference between probation, parole and the indeterminate sentence. It is expected that present laws dealing with these matters will be amended and new laws introduced in the coming session of the State Legislature. So that the Commonwealth Club might do its part toward educating the public as to these three methods of dealing with the criminal, the section

is preparing a program that is to be presented at the Club's meeting March 17, 1921.

No definite program has been adopted for the section's activities during the current year. Types of crime and the treatment thereof vary with economic and other conditions, and the section will undoubtedly frame its activities to meet these changing conditions.

WM. S. WOLLNER, Chairman.

Committee on Education

A. B. Anderson, Chairman

E. O. Allen
G. S. Allison
C. D. Babcock
W. W. Beatty
J. W. Beckman
C. L. Biedenbach
H. U. Brandenstein
H. Alexander Brown
William Burd
W. L. Butler
A. J. Cloud
Edgar Dawson
E. J. Dupuy
Barton W. Evermann
Arthur L. Fisher
W. H. French
Ira Glassman
Jos. L. Goldsmith
A. Gottlieb
R. S. Gray
John E. Gurley
Daniel W. Hone
John H. Hopps
C. A. Huston
James A. Johnston
M. Jongeneel
Samuel Langer
Max Loewenthal
R. Justin Miller
James W. Mullen
Joseph O'Connor
Raymond Perry
W. A. Philips
Edward Rainey
Henry Raphael
Richard Sachse
George E. Springer
D. M. Wilcox
H. B. Wilson
Russell I. Wisler

To the President of the Commonwealth Club:

The Committee on Education has spent the best part of this year working with the subject of improvement of civic education in the schools. This work was undertaken largely through the stimulus of Professor Edgar Dawson, who has been the acting professor of American Government during the last year at the University of California. Early last spring, Dr. Dawson appeared before the Board of Governors and presented to them his ideas. The Board of Governors responded by requesting the chairman of the Education Committee to co-operate with Dr. Dawson in a survey of the subject of civic instruction in the schools.

Your chairman, following the suggestion of the Board of Governors, held several meetings with Dr. Dawson and Secretary Walcott. Just before the summer holidays they completed a questionnaire which was sent out to the high schools of the State, the normal schools and the universities. Responses to the questionnaires were quite generous on the part of the high schools.

Following the summer vacation a large Committee of Education was formed. Dr. Dawson appeared before the committee and presented his views, and during this last fall a sub-committee has held weekly meet-

ings and the general committee has been called together three times on this subject. The questionnaires were carefully gone over and a digest was made of them. After a consideration of the report of the sub-committee, the committee as a whole adopted the following resolutions:

1. Resolved: That the Board of Governors be requested to express to the school authorities our thanks for their co-operation in our inquiry, and to convey to those who direct the educational activities of the cities and the State the interest of the Club in definite teaching of the principles of government through separately organized courses in the high schools under the direction of teachers trained not only in history but also in the principles of economics and government.

2. Resolved: That the Board of Governors be requested to communicate to the school authorities the great interest of the Club in the recommendations of the National Educational Association's recommendations on the teaching of the social studies as these recommendations are set forth in Bulletin 28 of the year 1916 of the National Bureau of Education; and the hope that the serious teaching of the elements of history, economics, and government may be further extended in the schools under the direction of teachers definitely trained for this task.

3. Resolved: That the Board of Governors be requested to convey to the universities and colleges engaged in the training of teachers the appreciation of the Club of their co-operation in our inquiry and the hope of the Club that the training of prospective teachers in the principles of economics, history, and government may be given the careful attention that is necessary to the end that our youth may be more and more thoroughly grounded in the ideas and ideals which will make them effective members of a democracy.

This set of resolutions is being sent to the State school authorities. A report which will include a digest of the findings of the questionnaires received from the high schools is prepared and will be sent out to all the high schools of the State when they reopen in the spring.

It is the purpose of the committee to keep up its interest in the matter of better civic training in the public schools, and a sub-committee will be kept at work on the matter. If in the future a worth-while report shall be worked out, the committee will probably appear before the Club and present it.

On the first of December the committee gave up temporarily the subject of civic education and has now turned its attention to the question of such school legislation as shall come up before the next Legislature. On Tuesday, December 14th, State Superintendent of Schools Will C. Wood appeared before the committee and gave a concise, vigorous presentation of what he considered the vital school legislation to come before the next session. Senator Jones, chairman of the School Legislation Committee, has promised the chairman to send

him at once, plenty of copies of the report of the committee on school legislation.

Superintendent Wood's talk was practically the report of the legislative committee. During the month of January the chairman expects to hold weekly meetings and if the Governors set a monthly meeting for consideration of legislation, the committee hopes to occupy a part of the evening. The chairman has appointed Mr. E. J. Dupuy chairman of the sub-committee to deal with the following questions:

(a) The fuller use of the school buildings throughout the day, evening and present vacation period in order to secure the full value of our expensive plant.

(b) The study of the recognition of the teaching force as a socializing factor in our commonwealth.

This committee expects to work during the coming spring of 1921.

ARCHIBALD B. ANDERSON, Chairman.

Committee on Election Laws

Wm. H. Jordan, Chairman

A. E. Boynton	H. D. Hawks	Wilfred Page
H. W. Brundige	Isidor Jacobs	J. W. Payne
Hon. Lester G. Burnett	Arthur Joel	Leo I. Sussman
Marcel E. Cerf	Wm. Carey Jones	Milton T. U'Ren
C. P. Cutten	F. V. Keesling	Frank W. Trower
Paul Eliel	Edward F. Moran	C. C. Young
W. D. Fennimore	Grover O'Connor	J. H. Zemansky
Andrew J. Gallagher	Henry M. Owens	

To the President of the Commonwealth Club:

During the year 1920 your Committee upon Election Laws has held nine sessions. At these meetings we have considered and made reports upon the following subjects:

"Purity of Elections,"

"Amendments to Direct Primary Act,"

"Counting of Votes,"

"Changes in the Registration Laws,"

"Choice of Registration Either at Residence or Place of Business,"

"To Encourage Voting" and

"Voting by Absentees."

Our report upon each of these subjects, I am happy to say, has met with the approval of the Club at its monthly meetings, so far as that approval has been evidenced by the "straw votes."

It would be hard to designate any one of these reports as being more meritorious than another, since to each subject we have given our best thought, and have stated the reasons upon which our judgment has been founded with as much clearness as we could command.

Of the subjects considered, that of the proposed amendment to the constitution granting an absentee the privilege of voting wherever he might happen to be upon election day, has since been submitted to the people, who, by rejecting it, have reached the same conclusion as that of your committee.

As to the relative importance of the subjects, it may, we think, be said that the most important is probably that of the proposed "Amendments to the Direct Primary Act."

The purposes of the act submitted—which act originated with your committee—are twofold: First, to clarify the law, and second, to improve it by strengthening party integrity. As stated by Mr. Keesling in his paper recommending its adoption at the meeting of the Club held upon the 16th day of December, the amendment suggested to subdivision IX of section 5 provides that a candidate who may happen to be "defeated for his own party nomination at primary election shall be ineligible for nomination for the same office at the ensuing general election either as an independent candidate 'or as a candidate of any other party.' This more clearly defines the Primary law as construed by the Supreme Court in the case of Heney vs. Jordan, 179 Cal. 24."

The amendment which we have suggested to section 17 of the act as it now stands provides a requirement relative to declaration of party affiliation in the following words, "and by declaration of the political party with which he intends to affiliate." This is declaratory of the law as construed by the Supreme Court in the case of Don vs. Pfister, 172 Cal. 25.

Your committee was also convinced of the necessity of maintaining party integrity by making political parties responsible for their candidates, rather than to rely upon individual responsibility.

The acts proposed for the "Counting of Votes" and "Changes in the Registration Laws," so as to provide for re-registering once in six years instead of once in two years, have reference to details and are intended to quicken the counting of votes and to cheapen the cost of arriving at the results of elections.

The act "to encourage voting" provides for an amendment to the constitution authorizing the Legislature to levy a poll tax of $5 upon all aliens, and likewise upon every qualified voter, the same to be remitted in favor of voters upon presentation of a certificate signed by the registrar of voters, or the county clerk, stating that the elector has voted at all previous elections held during the existing fiscal year, or was excused from so doing by reason of absence from the county, or serious illness, upon the day the election was held.

The proposed act regarding the "choice of registration of voters" provides that one may have the choice of determining his place of registration and voting either at his residence, or at his place of business.

It is the thought of your committee that these matters should be submitted to the coming session of the Legislature with a recommendation that they be enacted into laws. We believe them all to be good measures and worthy of being placed upon our statute books.

WILLIAM H. JORDAN, Chairman.

Committee on Food Prices

Ralph P. Merritt, Chairman

Charles W. Camm	Preston McKinney	Frank D. Stringham
Thomas F. Hunt	James W. Mullen	John P. Young

To the President of the Commonwealth Club:

In response to your letter of December 3rd, asking for a report of the Section on Food Prices, of which I am chairman, I desire to make the following statement.

This section was organized about two years ago at the time when the prices of foodstuffs were released from federal control and were rapidly advancing as a result of post-war conditions. The section, which is composed of men interested in the problem from many different points of view, presented a program to the Club on October 16, 1919. During the year 1920 no meetings of the section have been held and, as chairman of the section, I am wholly responsible for failure to call this section into active existence. The chief reasons were as follows:

1. The subject of "Food Prices" has been impossible of treatment at this time from any other than a statistical point of view. It was inevitable that inflation should run its course and that resulting deflation should follow. Outside of those who are members of the section, those chiefly interested in the subject were consumers who had no desire to consider the economic point of view and were solely interested in selfish protection and producers who desired no interference during opportunities for large profits, but urge legislation when economic conditions change.

2. It was useless and dangerous to consider food prices as a subject for local legislation.

3. The title of "Food Prices" is a restricted title. It was impossible to consider food prices without also considering prices of other essential commodities, as well as labor and other interlocked subjects. Therefore, in my opinion, a section solely on food prices must confine itself either to the consideration of selfish motives and appeals of inter-

ested factions or else confine itself to the consideration of a small segment of a great economic situation.

I would therefore suggest that the work of this section be merged with a larger phase of economic world problems or at least to widen its scope to consider phases other than prices, such as production and distribution. To such effort the members of the section will gladly give their time and thought.

RALPH P. MERRITT, Chairman.

Committee on Forestry and Wild Life

Walter Mulford, Chairman

A. M. DeVall	F. E. Olmsted	William M. Wheeler
Barton W. Evermann	Brooks Palmer	T. D. Woodbury
G. Morris Homans	Miles Standish	

Section on Harbor Control

H. H. Wadsworth, Chairman

T. P. Andrews	Lee S. Griswold	Arthur A. O'Neill
Bernard Benfield	Rod G. Guyett	Milo K. Robbins
H. J. Brunnier	E. F. Haas	H. H. Sherwood
E. B. Bumsted	Wm. Ham Hall	George Skaller
Joseph E. Caine	George W. Hendry	Miles Standish
L. F. Cockroft	Stetson G. Hindes	W. G. Tibbetts
Byron Coleman	Isidor Jacobs	Frank W. Trower
Erle L. Cope	B. F. Lynip	Paul R. Thompson
H. W. Crozier	Marsden Manson	F. W. Turner
J. O. Davis	Milton Marks	Rolla V. Watt
W. E. Dennison	A. H. Markwart	Paul I. Welles
Geo. L. Dillman	J. H. McCallum	H. W. Wernse
H. R. Edwards	Courtney L. Moore	C. F. Wieland
George D. Gray	E. J. Morser	

To the President of the Commonwealth Club:

The Harbor Control Section was reorganized and the initial meeting of the year was held on June 22nd. Following a brief review of the consideration which the Club has in the past given to the matter of San Francisco harbor control, a somewhat ambitious program for the activity of the section was proposed; looking toward the presentation, at a future meeting of the Club, of a comprehensive plan of harbor development, including the segregation into industrial and commercial portions of the entire waterfront of both sides of the bay, and a plan for the formation of a harbor district with a proper governing body.

At that time the San Francisco Chamber of Commerce filed with the Section on Harbor Control a preliminary report on proposed investigation of the facilities and needs of the San Francisco harbor, and expressed the hope that such a complete and comprehensive survey might be undertaken here as has recently been made in New York.

Such a survey taking considerable time and involving a considerable expenditure of money, would have made available to the section data very necessary for its consideration before presenting its findings or making a report. Officials of the Chamber of Commerce still hope that in the near future such a survey may be inaugurated.

A sub-committee on Port Organization (Mr. Byron Coleman, chairman) has had several meetings and has given considerable study to the organization problem, with special regard to conditions and practices at other ports, and to conclusions reached by specialists in this line of work. The conclusions of this sub-committee were presented to the section on September 15th and discussed at a meeting of the section on October 4th. They are as follows:

1. That the ownership, control and management of our navigable waterfronts should be vested in public authority, preferably the State; and that where the State has lost these rights, at least the prerogative of assessing transit dues, or the wharfing-out right, should be reacquired.

2. That the metropolitan port district, or, in other phraseology, the greater port of the bay of San Francisco, is most advantageous for both San Francisco and the near bay ports.

3. That this metropolitan, or greater San Francisco port district required an organization built up by authority of the State of California out of local and expert material, and aided by the co-operation and constructive criticism of the municipalities included.

Further action on the matter was postponed to a later meeting, when effort will be made to obtain a more representative attendance.

In view of the passing, at the recent election, of the charter amendment providing for municipal ownership and operation of the harbor if and when ceded by the State to the city, and of the legislation that is now being drafted for the coming session of the Legislature, the Executive Committee of the Club, on November 29th, requested this section to consider this matter, and prepare a program for presenting to a meeting of the Club on February 10th. In attempting to comply with this request the section has been obliged to concentrate its attention on this one of the several phases of the harbor situation and has had meetings on December 15th and December 22nd, at which proponents of the transfer were given opportunity to express their views, and opponents, as well as representatives of the Shipowners' Association and of shipping interests, the Chamber of Commerce, and others, to hear them.

The proposition from several other angles will be considered at several meetings of the section within the next few weeks and arrange-

ments made to comply with the desires of the Executive Committee for presenting the matter at the February meeting.

H. H. WADSWORTH, Chairman.

Committee on Housing Laws

Lester G. Burnett, Chairman

G. A. Applegarth
Frank V. Cornish
N. B. Courtney
Chas. P. Deems
Jas. B. Feehan
F. H. Meyer
S. I. Moore
Kernan Robson
Sylvain Schnaittacher
S. I. Wormser

Section on Immigration

H. H. Beers, Chairman

E. O. Allen
W. P. Bentley
Myron C. Burr
F. T. Duhring
E. J. Dupuy
C. Nelson Hackett
B. C. Haworth
E. Clemens Horst
J. M. Howells
M. Jongeneel
Max Loewenthal
Norman Lombard
Warren H. McBryde
Raymond Perry
Grant H. Smith
B. Grant Taylor
Frank W. Trower
M. S. Wildman
Fred P. Winchester

To the President of the Commonwealth Club:

The Immigration Section held twenty-three meetings during the year 1920, with an average attendance of eleven and a half, submitting their second report to the Club at its dinner meeting on July 15th, at which time the section reaffirmed the position taken in its former report urging the complete suspension of all unskilled immigration for at least two years.

Careful study has been given to the following subjects: Asiatic immigration as distinguished from European, with special reference to the Japanese immigrant and effect of the gentlemen's agreement.

The Japanese Land Law.

The proposed Welty bill basing permissible immigration on the percentage of immigrants of any group living in the United States who have already become naturalized.

Racial considerations.

Chinese contract labor (temporary).

Published views of Messrs. Thos. W. Lamont and F. A. Vanderlip following their visit to Japan.

Proposal for levying an alien poll tax.

Selective immigration.

Industrial survey to determine whether or not any immigration is needed or advisable.

Desirability of frank and open discussion between bodies of representative citizens of America and Japan to secure amicable adjustment of differences regarding Japanese immigration.

Increasing magnitude of the unemployment problem as shown by the industrial survey.

During the year the section was addressed by the following speakers on the various subjects mentioned above:

Mr. K. Kawakami, Director, Japanese Association of America.

Mr. V. S. McClatchy, Publisher, Sacramento Bee.

Col. John P. Irish.

Prof. P. J. Treat, Stanford University.

Prof. M. S. Wildman, Stanford University.

Dr. Clay McCauley, Japan representative of the American Unitarial Association of Japan.

Mr. J. Russell Kennedy of Japan, formerly head of the Associated Press and founder and present head of the "Kokosai" Press Agency of Japan.

The work of the section for the year 1921 will be influenced largely by the course of immigration legislation both pending and in prospect, but information now coming to hand indicates that the section should continue its industrial survey as an aid to wise legislation and co-operating with other organizations in the compiling and publishing of data bearing on this subject.

The matter of properly distributing labor should be carefully studied by the section.

Another matter having an important bearing on the subject of immigration and which should engage the attention of the section during the coming year is the question, Should the United States continue its development at a rate so rapid as to demand immigration, even at the risk of a lowered standard of citizenship, or should we place quality above quantity and slacken our pace, thus maintaining our standards and conserving our natural resources?

It is to be expected that the fight against the dilution of our citizenship will excite antagonism among those who insist on the most intensive commercial development, and the Immigration Section could scarcely devote itself to any more worthy object during the coming year.

H. H. Beers, Chairman.

Section on Industrial Relations

J. P. Rettenmayer, Chairman
George H. Eberhard, Vice-Chairman

Roe H. Baker	Walter G. Hyman	F. K. McFarlan
Louis S. Beedy	Theodore Johnson	J. W. Mullen
Solomon Blum	J. F. Johnston	Guy E. Needham
Charles A. Day	Roy W. Kelly	Fred C. Peterson
S. B. Dinkelspiel	F. Morgan Keyser	Carroll M. Powers
R. S. Gray	C. T. Kiefer	Prosper Reiter
C. E. Grosjean	Norman Lombard	C. E. Todd
J. I. Huston	E. O. McCormick	H. H. Ware

To the President of the Commonwealth Club:

The Section on Industrial Relations held forty-two meetings during the year of 1920. Considerable of the work was subdivided and assigned to committees for study and report. These committee reports were presented in writing and are a part of the record of the section's work.

The meetings in January were devoted to the discussion of the question of stabilizing the purchasing power of the dollar, preparatory to the February meeting of the Club. President C. E. Grunsky, Mr. Norman Lombard and Professor Edwin R. A. Seligman, of Columbia University, discussed the subject in connection with charts prepared for the occasion.

A committee appointed at the first meeting in February for the purpose of preparing a program for the section's work reported on February 9, recommended:

a. List the important union and non-union groups of employees in San Francisco and vicinity.

b. Invite representatives to talk, arranging a schedule to be announced in the notices of meetings so that the members of the section will have advance information as to the group of workers whose problem is to be discussed, and the name of the speaker.

c. On alternate Mondays, when possible, invite a representative of the corresponding employers' group.

This was to enable the section in the spirit of inquiry and study to discuss the various phases of the individual labor problems.

Attention was directed to the fact that the Chamber of Commerce was not actively represented, and that a representative retail merchant and a farm labor employer be added to the section membership.

The following subjects were assigned to committees for study and report at meetings not covered by speakers:

1. The Plumb Plan—R. S. Gray, chairman.
2. The Kansas Industrial Court Bill—W. G. Hyman, chairman.

3. Collective Bargaining on the Basis of Industry as a Unit—C. E. Grosjean, chairman.

4. Collective Bargaining on the Basis of the Industrial Plant as a Unit—E. R. Zion, chairman.

Dr. Roy W. Kelly addressed the section on February 16 on the subject of Employment Management. He characterized employment management as a new phase of industrial development which has been given special study during the war and pre-war periods—that it should not be interpreted in a narrow sense; and, to be successful, the service or personnel director must have full authority over a wide range of important functions. He referred to Mark Jones of the Edison Company, Rochester, New York, and P. J. Reilly of the Dennison Manufacturing Company as pioneers in this work. He emphasized the importance of training of foremen, pointing out that mistakes and accidents in factories frequently happen during the first few hours or day of employment. Knowledge of the company's policies and of the work of other departments he declared essential to the success of minor executives. He contended that success in this work cannot be attained by experts who merely make reports and then pass on to other investigations, but upon the actual correction of conditions revealed through study and observations. He expressed the opinion that seasonal industries like the canning industry of California offer the most difficult problem because of intermittent employment. He recommended joint industrial relations departments for a group of smaller plants in order that they may enjoy the same benefits as larger enterprises capable of maintaining individual departments.

Dr. Kelly expressed no hope for the betterment of industrial relations on this coast through a declaration of principles unless they are actually and honestly applied.

The meeting of February 24 was addressed by J. H. Leighton, founder and general manager of the Leighton chain of cafeterias and dairy lunches, operated co-operatively. The plan provides for the payment of the established craft wage scale to the workers as a basic compensation, plus salary bonus and investment sharing.

Operating control of the enterprise is, however, vested in Mr. Leighton, regardless of the fact that in some cases the investment of the workers constitutes the majority interest. The success of the plan is phenomenal with respect to financial returns, efficiency and harmonious relations. Mr. Leighton attributes these gratifying results to the co-operative "principle." He believes the Leighton plan presents the actual solution of the industrial problem, inasmuch as selfishness, greed

and autocratic control is replaced by co-operation, fraternity and a consciousness of actual mutuality of interest.

Mr. J. Weinberger, secretary of the Waiters' Union, addressed the section on Monday, March 1, on the Shop Steward System. Shop committees are elected by the employees and are composed of one working member of each department. Establishments of less than three departments elect three members to the committee. The chairman is known as the shop steward. Shop committees are elected every three months by secret ballots, with recall provision. The shop committee is the recognized authority to investigate and adjust grievances. The shop steward is the spokesman of the committee at conferences with the employer or his representative. Wages, hours, working conditions in general and new demands are matters reserved for action by the union. If the shop committee fails to adjust differences, they are then referred to the union. No strike or lockout is to occur without the foregoing procedure; no worker is to be discharged without being advised of the reason thereof, and the workers agree to inform any one of them doing unsatisfactory work that his services are not desirable. The shop steward and shop committee, while representing the men employed in a particular hotel or restaurant, are also authorized to act for the union—a fact recognized by the employer. It is impressed upon the members of the union that the shop committee's work is no "cinch," neither is there much "glory" or "compensation"; that their duties are manifold, difficult and often disagreeable; that suggestions are welcome, complaints made when justified and information desired at all times—but briefly.

Mr. Weinberger stated that all the leading hotels and restaurants of San Francisco are working under the system, and that the plan is recognized and approved by the management. The basic principle of the plan is meeting the employer on his own ground. He considered collective bargaining of fundamental importance. The question of the open or closed shop does not matter. With the open shop, however, there could be no effective organization, and, without that, no collective bargaining.

On March 8 the section was addressed by Mr. John E. Bennett on the subject, "The Solution of the Problem of Society." The discovery of seven laws and the analysis issuing from them solves all the problems of society. At least, he contended it would solve the real problem —that of subsistence. He stated that a bill was drawn and if passed by Congress would make war universally impossible. It would repeal the laws upon which rests monopoly. Our difficulty, according to Mr. Bennett, is the existence of seven basic monopolies, i. e., land,

tariffs, highways, patents, occupations, migration and sumptuary supplies. It is not the control of the markets, as is generally believed, but the use of force to deny others their rights to co-operate with society.

Mr. E. R. Zion presented on March 22 a report on the subject, "Collective Bargaining on the Basis of the Industrial Plant as a Unit." It contained a detailed history and description of the craft and class labor movements, and referred briefly to the American plan. He called attention that the essentials of a bargain are lacking in dealings between employer and employee—that in a true bargain each can refuse to trade without injury, while organized employers and workers must agree, to avoid hardships and losses. Land monopoly was mentioned as the fundamental factor restricting both capital and labor.

The opinion prevailed that collective bargaining is not a feature of the American plan, and a doubt appears to exist whether the plan is the result of a natural industrial evolution or an artificial scheme of the employers to meet a given situation in the relations with their workers.

In a letter addressed to the vice-chairman of the section, Professor C. Cestre of the University of Paris, who attended one of our meetings last year and later received a copy of the transactions of a Club meeting, comments: "If I may express an opinion as an outsider, should say that I was struck by the moderate and instructive attitude taken by the representation of labor. Capital should not be so positive—not yet, since the responsibility lies in them and the greatest sacrifice also is asked of them. Some of the points of views expressed are illuminating, helpful, all progressive. They may all contribute to the changes preliminary to the great reform that will bring about co-operation and conciliation. Emphasis will have to be laid on responsibility labor will have to pledge itself to, as it obtains a larger share in the control of industry. Education of all parties, including the public, is a prerequisite. Progress will have to move along various lines, among which joint management, profit-sharing, some control of prices by the State, combination of employers and employees to uniformize methods and eliminate waste, and yet some sort of competition to give the proper stimulus to private initiative and effort—all that will practically have to be represented in the future scheme of industrial reform."

On March 29, Mr. John Z. White of the Henry George Lecture Association addressed us on "Taxation and its Effect on Community Development." The proposal is not a matter of faith. The appeal is to the understanding, and for a fair consideration on business grounds; he declared that our tax system is not scientifically organized; that some of the taxes are particularly unreasonable. He classified land as the product of law; the improvements thereon the product of industry.

Regardless of this patent difference in the origin and character of these two types of property, the English aristocratic system which we inherited makes no distinction, causing confusion and lessening the incentive to produce. He termed the high price of city land, brought about through increasing population, an unnecessary overhead which retards the development of the city. The remedies suggested:

1. Remove all tax from industry, which will stimulate production.
2. Increase the tax on vacant land, which will tend to bring it into use.

He characterized the present tax system out of harmony with accepted morals, law or economics and as undemocratic. He informed the section that the system has been introduced in Maryland and Pennsylvania, Houston, Portland, Oregon, and Springfield, Mass.

In connection with the report of Mr. Grosjean on the subject of "Collective Bargaining on the Basis of an Industry as a Unit," the section adopted the following principle: Industry as a unit is defined as all of those individual establishments which produce a practically identical finished product or a type of service for the use of society, and in which the same basic or harmonious conditions for successful operation prevail, such as

(a) Supply of labor
(b) Supply of raw material
(c) Marketing and transportation facilities
(d) Legislative factors
(e) Financial factors
(f) Living conditions.

The section agreed that the object of collective bargaining should be the establishment of equity and security in the relations between employer and employee with regard to wages and working conditions; that the first requisite for collective bargaining is organization on the part of the workers and of the employers and that it should be conducted on the democratic basis of majority rule. And for the purpose of collective bargaining, each side should have the right to choose its own representatives.

A. B. Anderson, Dean of the Faculty, State Normal School, San Francisco, addressed the section on April 19, stating that we were facing the most pressing and serious problems in American life; that to solve them a great mass of the people would have to be made intelligent with reference to economic relations. He expressed the idea that a school should yield a dividend in the way of improved citizenship for the money expended in its maintenance. At present the life of the school is too much apart from real life, and our school system is a

very artificial arrangement because not linked with life properly. He contended that it does not function effectively because it is too academic, and not specific enough. The Dean intimated that if the section could arrive at certain points of view and certain conclusions in reference to the pressing questions of industrial relations, the Section on Education could co-operate to the end of getting the subject introduced into the school curriculum.

Dr. Edgar Dawson of Hunter College, New York, suggested the study of the causes of the present-day maladjustment, quoting ex-President Roosevelt—"What we want to do with the common man we must do with him before he is a man." He concluded that if the study of economics and politics is to be continued in our schools and colleges they must become more practical and must reach some conclusions.

Mr. E. O. McCormick, Vice President of the Southern Pacific Company, ventured that there is such a vast difference between intelligence and education. He expressed the belief that the first essential in arriving at a given understanding is to first define in definite and understandable language what we are talking about—get out a primer on economics—make it elementary, use biblical language, words of one or two syllables. He stated that his experiences on war boards has taught him that the representatives of labor are not simple minded people, that they think deeply and fundamentally of business questions and the laws governing the production and distribution of wealth.

At a meeting in May it was suggested that the section request the program committee for a revised program dealing with definite problems of industrial relations prevailing in San Francisco and vicinity, such as contracts recently entered into between the Building Trades and the Contractors' Association—the situation existing in the printing trades and the operation of the metal trades under the American plan. The committee consisting of Messrs. Geo. H. Eberhard, C. A. Day and Theo. Johnson presented the following program under the caption, "The Primary Requisites for Establishing Better Industrial Relations":

A. Organization
B. Conference
C. Co-operation.
D. Adjustment.

ORGANIZATION:

1. Labor—(a) Direct; (b) Representative.
2. Employers—(a) Direct; (b) Representative.
3. The Public—Civic and governmental bodies.
4. Responsibility—Legal and moral.

CONFERENCE:
(a) General conferences between employers and workers.
(b) Conferences by representation between employers and workers.
(c) Conferences by representation between employers, workers and the public.

CO-OPERATION:
1. Collective Bargaining—(a) Wages; (b) Hours; (c) Working conditions.
2. Profit Sharing—(a) Gratuities; (b) Bonuses; (c) Investment sharing.
3. Trade Agreement—(a) Open; (b) Restrictive.
4. Shop Committees—(a) Direct; (b) Representative.
5. Employment Management.

ADJUSTMENT:
(a) Research and Investigation.
(b) General advisory conferences.
(c) Arbitration.

The main subdivisions of the program were assigned to the following committees:

ORGANIZATION—J. H. Huston, Chairman; W. G. Hyman, F. C. Peterson.
CONFERENCE—C. E. Grosjean, Chairman; Theo. Johnson, Dr. H. B. Graham.
CO-OPERATION—R. S. Gray, Chairman; C. A. Day, Roe H. Baker.
ADJUSTMENT—Norman Lombard, Chairman; Roy R. Waterbury, W. E. Dassonville.

The section decided to add a sixth division under Co-operation, termed "Management Sharing."

As the section proceeded in its work in connection with the new program, the conclusion was reached to change the classification of "Labor" under subdivision A to "plant organization" and "federated organization," and to classify "public organizations" as "governmental bodies and non-governmental bodies."

Mr. R. S. Gray presented his views on the Plumb plan, giving a brief analysis of the scheme indicating the causes leading to its formulation, and ventured the opinion that the plan would eliminate capitalistic control and substitute therefor a program which would give the workers their rightful opportunity to share in the management. He believes that the Plumb plan aims to eliminate monopoly and provide for the operatives of the railroads an added incentive—that it would stimulate initiative and generally result to the benefit of all parties concerned. He asserted that management must be held responsible for quality and quantity of production.

Mr. W. G. Hyman in co-operation with Messrs. Jack Huston and Louis S. Beedy presented to the section a report on the Kansas Industrial Court bill. The report quoted at the outset Governor Henry J. Allen in his appeal to the Kansas Legislature for the passage of the act, creating a court of industrial relations. The report refers to the sufferings in homes and hospitals, the dangers of a fuel famine as a result of a coal strike, which prepared the ground for such legislative

act. The committee indicated in the report the number of strikes in a given period, the gain to the miners and the losses to them in wages expressed in dollars, and that economic burden and the deplorable and ruinous conditions resulting therefrom caused the passage of the bill advocated by the Kansas Governor. The committee contends that their analysis of the act causes them to believe the plan to be impartial to both employer and employee; that it is not a court of compulsory arbitration of all industrial differences, as is generally believed, but that it does among many other things make strikes and lockouts unnecessary, and, in a measure, impossible, and does insure to the people an adequate supply of the products which are necessary for the sustenance of life of civilized people; that it stabilizes production, insures steadier employment, prevents economic waste, and tends to abolish intimidation and violence as a means of settlement of industrial disputes. The committee concludes its report with the statement that it considers the act a progressive measure, substituting a civilized method of adjustment of industrial differences for the old method of settlement by coercion.

A committee of the Typographical Union No. 21, consisting of Harry A. O'Dell and J. J. O'Rourke, presented to the section a statement which they termed "a constructive criticism of the annual report of the Section on Industrial Relations for the year 1919." Their criticism was of a character which could not be regarded by any balanced group as constructive, and the membership of the section was pleased to receive a letter from the president of that union, stating "that the organization regrets exceedingly that a report was presented before it was submitted to the union, and after the membership became acquainted with its contents, it was disapproved by a vote of 105 to 2."

Early in August the Committee on Organization presented to the section a report descriptive of the various kinds of labor, employers and public organizations, indicating their respective functions. The section, after debating the report, referred it back to the committee.

A supplementary report was filed on August 23, in which the committee made certain recommendations which were adopted by the section, and are as follows:

1. Our recommendation is that the whole program be considered in connection with the study of the American Federation of Labor plan and such employers' organizations that in part or in their entirety parallel that organization, before the section takes up the study of the American plan, the I. W. W.'s, Soviets or any other not as yet recognized organizations of supposed parties to industry. Public organizations such as indicated in the report and their relation and effectiveness could be considered with the plan recommended.

2. In order that our discussions and conclusions will be based on facts as they exist in actual practice, we suggest that representatives of labor organizations from the industry to be studied, and representatives of the employers from the said industry, be invited to meetings of our section to present information as to the objects and purposes of their respective organizations, submit copies of their constitutions and by-laws, and other data that will enable the section to effectively and intelligently study the situation.

Mr. Theodore Johnson presented to the section an organization chart of the American Federation of Labor plan. He explained the character of the organization in detail and furnished the section with a detailed summary indicating the relationship of the constituent bodies of that organization and describing their respective functions.

As recommended by the Committee on Organization, an effort was made by a committee appointed by the section to obtain through Mr. C. A. Day of the Chamber of Commerce detailed information and charts of one or more nationally organized employers' associations. Mr. Day reported that no such charts were available, and pointed out that there was no national association of employers having the scope of the American Federation of Labor.

The Committee on Conference, under the chairmanship of Mr. C. E. Grosjean, presented a report on October 4, in which it stated "that arbitrary decrees and laws of compulsion so far as industrial relations are concerned have reached the peak of saturation, and that for the good of society something in the nature of a conference bids fair to promise the best solution." The report contends that through conferences, strained relations, unsatisfactory conditions and disputes may be adjusted; that parties to a conference must be voluntary, which should indicate an agreement to abide by decisions reached. The report asserts that lack of organization on the part of employers defeats collective bargaining and hinders the get-together process, minimizing educational progress in the direction of a more highly organized industrial world, and of a more fully autonomous constitutional government. The committee recommends that the plan of organization of the American Federation of Labor, being the result of an evolutionary process, tried and workable, be accepted.

The section concluded after considerable discussion that the subject "Conference" be referred to its committee for further study. Any conclusions that the section reached or will reach before it receives the final report of the Committee on Organization will be for present purposes only.

Mr. R. S. Gray, chairman of the Committee on Co-operation, made a verbal report on October 18, emphasizing the necessity of co-operation

between employer, employee and the public—that only through that method was progress possible—that organization is assumed to be a requisite, i. e., organization of each—capital, labor and the public. He stated that organizations at present are mainly formed for selfish purposes, i. e., for defense of respective interests. Mr. Gray announced that Mr. C. A. Day agreed to report on the subdivision "profit sharing," Prof. Solomon Blum of the University of California on "collective bargaining," J. W. Mullen on "trade agreement," John F. Johnston on "employment management," and the chairman of the committee, himself, will treat the subject "management sharing."

The Committee on Conference reported at a meeting in October, indicating the necessity of establishing principles of responsibility which it considered essential before completing its consideration of the subject. The section adopted for *present purposes* and until a further report of the Committee on Organization, definite correct principles of responsibility:

1. Any of the parties in industry shall be permitted to act through one or more representatives of its own choosing.
2. The representatives must be of such character and reputation for integrity that they may inspire all sides or parties concerned in industry with trust and confidence as to the sincerity of their motives and acts.
3. The parties must in advance be understood to intend to be bound by their agreements and fulfill obligations that they may assume by such agreements.

Conferences between the parties to industry may be called and carried on for an infinite variety of purposes. They lie at the basis of every system or plan for the control or betterment of industrial relations—that to accomplish its purpose certain conditions or principles are deemed requisite:

1. The purpose of the conference should be definite, and, if practicable, communicated in advance to each of the parties participating therein.
2. Each party or its representative should come to the conference prepared to submit frankly and fully information and views touching on the subject for discussion by the conference.
3. Any objection to any of the parties or their representatives should be presented and disposed of before the conference proceeds with its business.
4. Each conference to be allowed to adopt its own mode of procedure.
5. Each party or its representatives to act, under all circumstances, with utmost good faith toward the other parties or their representatives.

Mr. C. A. Day reported to the section on the subject "profit sharing," subdivided in accordance with the program as (a) gratuities, (b) bonuses, (c) investment sharing.

An analysis of the system of the John D. Stetson Company of Philadelphia and of a local establishment, the name of which was withheld, was presented under subdivision (a). Under subdivision (b), Mr. Day took for illustration the Leitch plan as adopted by the Packard Piano Company, the Browning plan as used by the Browning Company of Cleveland, Ohio, and that of the Willys Overland Company of Toledo, Ohio. Under subdivision (c), the Boston Consolidated Gas Company and the plan of the Wm. Filene Sons Company were used as examples in the report.

The section arrived at the following conclusions in reference to the various forms of profit sharing:

Excluding gifts at Thanksgiving, Christmas, or otherwise; profit sharing in the nature of gratuities is not commendable.

Of the various forms of bonuses, those which secure to the employee an even income over an extended time are to be preferred to those yielding comparatively large amounts at infrequent periods.

That the section endorse the principle of bonus profit sharing applicable generally to the workers in the plant.

That the section endorses co-operative plans, similar to the Leitch plan, whereby employers and employees share equally in the profits resulting from reduction of costs, employees' representation and management sharing.

That the section endorse the principle of investment profit sharing as capable of being developed to the best interest of all concerned.

The last three resolutions were adopted with the distinct proviso that there be no restriction against contact and conference of the workers with the employees of other plants in the industry.

Professor Solomon Blum addressed the section on November 8 on the subject "Collective Bargaining." He stated "that the basis of all effective trade unions is 'collective bargaining'; that it is a right which has been long fought for and will not readily be given up; that it is the essence of conservative unionism as contrasted with radical forms of unionism; that the struggle of the present is not between collective bargaining as compared to individual bargaining relationships but rather what shall be the bargaining unit." He asserted that "if the shop organization is successful as compared to the trade union organization, that form will be temporary rather than permanent—that the worker, seeking protection, will be forced to co-ordinate shop organization to industrial organization, which will bring about certain problems of perhaps greater intensity and magnitude than the present form of collective bargaining with the trade union as we now know it." He expressed the belief that the shop organization has a place and a very distinct place in labor organization; that it should take care of

the intimate detail within each plant, such as specific changes in piecework, the bonus system, safety, etc., and the general organization—the trade union—should have control over the general question of the basic wage rate, of the standard of hours, the standard day, of political action and of all general matters, such as political and social organization.

The section reached the following conclusions:

1. That shop organization as opposed to the trade union is not commendable.
2. That the co-ordination of the shop organizations with trade unions should be fostered where the trades are organized.
3. That collective bargaining resulting in trade agreements is at present dependent upon trade unionism.
4. That there is a very great danger that the shop organization when in opposition to the trade union will tend to lead to the destruction of the trade union and the development among the employees of an industrial union or the one big union or some other radical form of organization in place of the trade union.

There has been presented to the section a lengthy report by the Committee on Organization, containing much information in reference to character, functions, duties and responsibilities of the various organizations of the parties to industry. Inasmuch as the section has not debated this report, the chairman is not disposed to include a summary of that statement in this report.

The section will continue its work in conformity with the present program. Dr. B. M. Rastall, who is making an investigation of the industrial conditions in San Francisco for the Chamber of Commerce, has been invited to address the section, and an invitation has also been extended and accepted by Dr. E. R. Snyder, Commissioner, Department of Vocational Education, State of California.

May I mention that in response to a request made upon the Chamber of Commerce early in the year, Mr. C. A. Day, Director of the Industrial Bureau, was delegated to represent the Chamber on the Section on Industrial Relations. The representatives of the San Francisco Labor Council likewise took an active part in all of our studies, and more than ordinary interest was manifested in the work during the entire year by the section membership. While there may be little evidence of practical good as a result of the section's activities, the principles laid down, the conclusions reached and the facts revealed will ultimately serve a useful purpose and will help to make for better industrial relations in this community.

J. P. RETTENMAYER, Chairman.

Section on International Relations

Edward Krehbiel, Chairman, January-April
Ephraim D. Adams, Chairman, May-December

Richard Altschul
George E. Crothers
F. H. Dam
C. R. Danziger
M. Dieguez, Jr.
Frederick T. Duhring
R. S. Gray
Frank Hall
E. J. Hardy
C. A. Huston
S. O. Johnson
David Starr Jordan
A. C. Keane
James M. Malloch
Irvin J. Wiel
Charles E. Martin
W. H. Pillsbury
George Rothganger
Walter Stalder
Clarence E. Todd
Myron Westover
Frederick Whitton

Section on Irrigation

Frank Adams, Chairman

R. L. Adams
E. W. Armfield
Frank F. Atkinson
W. A. Beard
W. P. Boone
Thomas W. Brooks
A. E. Chandler
W. H. Code
Robert H. Collins
Stanley W. Cosby
Norman B. Courtney
A. L. Cowell
Frederick Crowe
L. L. Dennett
Melville Dozier
William Durbrow
Chas. de Y. Elkus
B. A. Etcheverry
W. S. Farley
O. H. Fisher
A. B. Fletcher
Samuel Fortier
C. A. Garfield
P. H. Griffin
C. E. Grunsky
E. F. Haas
S. T. Harding
R. W. Hawley
F. C. Herrmann
Lewis A. Hicks
R. E. Hodges
W. L. Huber
C. F. Humphrey
W. A. Hutchins
W. A. Johnstone
A. S. Kalenborn
Norman D. Kelley
A. Kempkey
Charles H. Lee
C. H. Loveland
H. D. Loveland
B. F. Lynip
Irving Martin
Charles D. Marx
J. R. Mason
Sylvester J. McAtee
W. F. McClure
Elwood Mead
Thomas H. Means
Charles L. Moorman
D. N. Morgan
F. M. Neely
P. M. Norboe
Franklin P. Nutting
M. M. O'Shaughnessy
A. T. Parsons
Carl Henry Reuter
G. P. Rixford
Richard Sachse
Charles F. Shaw
G. W. Shaw
John A. Sinclair
Gilbert W. Smith
C. E. Steinegul
Fred H. Tibbetts
Frank J. Veihmeyer
H. H. Wadsworth
W. D. Wagner
Walter W. Weir
Myron Westover
Samuel C. Wiel
W. R. Williams

To the President of the Commonwealth Club:

The work of the Irrigation Section during the year has, in the main, dealt with water storage and consolidation of State departments and commissions dealing with water. Consideration has further been given to amendments to the State Water Commission Act extending the authority of the Water Commission to supervision of distribution of water from streams; also to the matter of increased appropriations to the Water Commission to enable that commission to care for a larger volume of work now coming before it, due to the greatly increased applications for permits to appropriate water and the new demands for water right determinations by the commission. The final recommendations of the section were made jointly with the Water Power Section at the Club meetings of October 21 and December 16. These recom-

mendations were endorsed by both the Governors and the Club, and will be promoted before the 1921 session of the Legislature. The full text of these recommendations, as approved, appears in Vol. XV, No. 7, of the proceedings, p. 377.

There have been nine meetings of the section during the year, exclusive of meetings of committees and sub-committees of the section, of which there have been a number. On invitation of Chairman Bumsted of the Section on Water Power, the chairman and the secretary of the Irrigation Section presented certain phases of the present irrigation and water situation before the Club meeting of October 21, 1920.

The following committees of the section have been organized during the year: On Water Storage, Fred H. Tibbetts, chairman; on Consolidation of State Departments and Commissions Dealing with Water, Richard Sachse, chairman; on Irrigation District Legislation, Frank F. Atkinson, chairman. Mr. Charles H. Lee has acted as secretary of the section.

Working plans for 1921 have not yet been matured but will be considered at a special meeting of the section early in the year.

FRANK ADAMS, Chairman.

Committee on Judiciary

Edward Hohfeld, Chairman

Alden Ames	William H. Gorrill	R. Justin Miller
William E. Billings	M. E. Harrison	John R. Selby
A. E. Bolton	Augustine C. Keane	Randolph V. Whiting
Lester G. Burnett	R. L. McWilliams	

To the President of the Commonwealth Club:

Your Judiciary Committee submits the following progress report:

The committee met on the average of twice a month during the year 1920. During the first half of the year the subjects under investigation were, "The Small Claims Court," and "The Public Defender." During the last months of the year the committee had under consideration the jury system.

The committee made two reports on these subjects to the Club at the Club meetings held Thursday evening, May 20, 1920, and Thursday evening, November 18, 1920.

At the meeting of May 20th the following topic was discussed: "The Poor Man in Court: Can He Get Justice?" An introductory statement was made by the chairman on this subject. Mr. Albert A. Rosenshine spoke on the subject of "The Small Claims Court," and presented a proposed draft of a bill to be submitted to the Legislature for the purpose of carrying this reform into effect. Mr. William H.

Gorrill spoke on the subject of "The Public Defender." Mr. Walton J. Wood, the Public Defender of Los Angeles County, spoke upon the subject, "Six Years' Experience as a Public Defender." A debate from the floor followed, under the five-minute rule.

At the Club meeting of November 18th the subject discussed was "The Jury System: Can It Be Improved?" The chairman of the committee made an introductory statement. Mr. Randolph V. Whiting presented the proposed amendments to the Code of Civil Procedure which were designed to cure some of the present defects in the jury system. Mr. Perry Evans made an address on the general subject of the evils in the present system, with suggestions for their reform. Mr. Justice Wilbur and Mr. Justice Lawlor of the Supreme Court of California made addresses on the general subject.

At the session of the Legislature in 1921, it is the intention of the Judiciary Committee, pursuant to the authorization of the Club so to do, to have appropriate legislation passed to carry into effect the reforms suggested in this report of your committee.

Your committee has not yet selected its subjects for future investigation and discussion, but contemplates doing so after the conclusion of the session of the Legislature in 1921. Until that time the committee will be occupied in giving attention to the work of the Legislature.

The committee, however, has under consideration the advisability of investigating the subject of the selection and tenure of judges in California. It is felt by many that the present system of selecting the judges by popular vote, especially in the large, metropolitan centers, does not obtain for the courts the best judges. It is believed that this subject is so important that it should receive the attention of the committee in the near future.

EDWARD HOHFELD, Chairman.

Library Committee

R. S. Gray, Chairman

W. H. Pillsbury — John P. Young

To the President of the Commonwealth Club:

It is doubtful if reconstruction has met the expectation, in either form or substance, of anyone, certainly not of any mass or organization of the race, so far, and it is evident that the printed word is growing more and more evanescent ever since propaganda has to a large degree absorbed not only fugitive publications but literature itself. This has tended still more strongly than before to emphasize the need for preservation for future study of much the value of which can not possibly be now ascertained.

It is therefore a matter of congratulation that we have worked out a plan in that behalf with the Sutro Branch of the California State Library, even if we have not as yet been able to put it into actual operation.

This plan will in no way diminish the availability of such material as it may seem worth while to keep ready for instant use at the library of the Club, nor will its title to anything pass that it is at all likely the Club will ever need, but it will save the premature discarding of material which has sometimes proved regrettable, will afford others an opportunity to use much of the material which comes to us for the benefit of the public, and will preserve our right to withdraw, whenever we need to do so, from such storehouse, any material which proves to be so worth keeping, and relieve us from a congestion of the library and office facilities of the Club which has grown to be intolerable.

Statement of Library, January 1, 1921

Books in Library January 1, 1920	2,852	
Added during year	276	
Books in Library January 1, 1921		3,128
Pamphlets in Library January 1, 1920	7,161	
Added during year	791	
Pamphlets in Library, January 1, 1921		7,952
Miscellaneous material in Library January 1, 1920	985	
Added during year	282	
Miscellaneous material, January 1, 1921		1,267
Books and pamphlets loaned since January 1, 1920		179

R. S. GRAY, Chairman.

Committee on Mineral Resources

Samuel H. Dolbear, Chairman

R. B. Ayres
John Barneson
J. W. Beckman
Arthur F. L. Bell
Bernard Benfield
E. M. Bixby
Fred W. Bradley
J. S. Burd
Albert Burch
C. E. Clinch
William E. Colby
H. W. Crozier
H. P. Dechant
C. G. Dennis
Earle Derby
L. H. Duschak
H. R. Edwards
Roy H. Elliott
D. M. Folsom
Ira J. Francis
E. H. Garthwaite
C. A. Grabill
Fletcher Hamilton
Abbott A. Hanks
Edwin Higgins
Thomas Ingram
E. B. Kimball
Augustus Locke
M. E. Lombardi
George D. Louderback
Russell Lowry
H. U. Maxfield
A. C. McLaughlin
C. W. Merrill
E. H. Nutter
A. T. Parsons
Howard Payne
T. A. Rickard
D. M. Riordan
I. L. Rosenthal
Ralph E. Sanborn
Frank L. Sizer
Walter Stalder
S. H. Westfall
Frank R. Whitcomb
Charles H. White
C. G. Yale
George J. Young
Herman Zadig

To the President of the Commonwealth Club:

The work of the Mineral Resources Committee of the Commonwealth Club has been carried during 1920, chiefly by two sub-committees. The sub-committee on engineering activities of universities and government bureaus, continued its investigations begun in 1919, holding regular bi-monthly meetings during the early part of the year.

The sub-committee was organized with D. M. Riordan as chairman and L. H. Duschak as secretary. On April 19, 1920, it rendered its final report at a meeting of the committee as a whole. The report was adopted with some corrections, and submitted to the Board of Governors with the recommendation that it receive endorsement by them. This has not been forthcoming.

The report was published on May 15, 1920, in the Mining and Scientific Press. At the meeting of April 19th, a sub-committee was appointed to investigate and report upon the McFadden measure, which purposes a tax to be paid upon all gold used for manufacturing purposes, and a bonus to be paid upon the production of "new" gold. Fletcher Hamilton, State Mineralogist, is chairman of this sub-committee. Several meetings have been held and the sub-committee expects to report its findings early in 1921.

Discussion of the new oil land leasing bill has been deferred, as it was deemed expedient to first observe the measure in operation.

SAMUEL H. DOLBEAR, Chairman.

Committee on Municipal Government

Thomas H. Reed, Chairman

R. S. Chapman
Paul Eliel
J. J. Fagan
Andrew J. Gallagher
B. D. M. Greene
Julian Hart
Isidor Jacobs
Arthur Joel
Leonard S. Leavy
Fred W. Lee
Percy V. Long
Milton Marks
Sylvester J. McAtee
S. I. Moore
Louis H. Mooser
Grover O'Connor
W. F. Sampson
George Skaller
F. D. Stringham
Fred Suhr

Section on Public Budgets

John F. Forbes, Chairman

R. M. J. Armstrong
F. G. Athearn
D. Austin
Clarence E. Baen
John E. Behan
H. U. Brandenstein
Lester G. Burnett
R. S. Chapman
John S. Chambers
Herbert W. Clark
Byron Coleman
Wm. Dolge
Chas. de Y. Elkus
Eugene S. Elkus
Paul Eliel
W. C. Fankhauser
Chas. W. Fay
W. D. Fennimore
Will H. Fischer
A. J. Gallagher
John Ginty
Edmond Godchaux
H. R. Hatfield
Edw. Hohfeld
Thos. Jennings
M. J. Kast
Leonard S. Leavy
H. A. Mason
Edw. F. Moran
John F. Neylan
Henry Payot
Chas. Raas
W. F. Sampson
J. H. Scott
Clyde L. Seavey
Warren Shannon
Jesse H. Steinhart
Fred Suhr
R. M. Welch
A. Wenzelburger

Section on Public Health

Ray Lyman Wilbur, Chairman

Wm. Ophuls, Vice-Chairman

H. E. Alderson
Clement H. Arnold
Charles S. Ash
Hans Barkan
Edward I. Bartlett
W. W. Boardman
Charles C. Boynton
Robert Burns
Joseph H. Catton
F. B. Carpenter
William R. Dorr
George H. Evans
Harold K. Faber
Otto G. Freyermuth
Edward F. Glaser
C. F. Griffin
John E. Gurley
R. W. Harvey
William C. Hassler
S. Anson Hill
Daniel W. Hone
S. Nicholas Jacobs
M. E. Jaffa
Russell Jewett
Louis Kuttner
Charles J. Lander
Felix Lengfeld
Milton B. Lennon
H. Lisser
William Palmer Lucas
Peter H. Luttrell
Guy E. Manning
H. H. Markel
George J. McChesney
H. G. Mehrtens
Karl F. Meyer
Guy S. Millberry
Gayle G. Moseley
P. H. Pierson
Kaspar Pischel
Alvin Powell
H. D'Arcy Power
A. B. Richards
W. C. Rappleye
R. L. Rigdon
Emmet Rixford
J. W. Robertson
Peter V. Ross
F. W. Russell
H. A. C. Ryfkogel
Ralph E. Sanborn
W. F. Schaller
L. S. Schmitt
Henry A. Stephenson
Thomas A. Stoddard
Edward I. Sugarman
Celestine J. Sullivan
A. H. Taylor
Fletcher B. Taylor
Charles L. Tranter
George H. Whipple
Harold W. Wright
H. H. Yerington

To the President of the Commonwealth Club:

The Section on Public Health has held regular meetings during much of the year 1920 and has taken up a number of interesting problems. During the early part of the year these meetings were held twice a month.

Because of the various initiative measures before the people of California the section made a special study of initiative measures Nos. 5, 6, 7, and 8. The chairman of the section prepared statements for the bulletin giving the points for and against these measures. The defeat of initiative measures Nos. 5, 6 and 7 was strongly urged and actively opposed, while measure No. 8, the Poisons Act, was actively favored. We are glad to report that a wide public interest was aroused and that the State of California placed itself on record as strongly in favor of public health. It is the feeling of the members of the section that this election indicates the desire and intent of the people of California to obtain the benefits that are possible through modern scientific medicine through the application of the facts of medicine and hygiene to public health.

The program of the section throughout the year has been in the hands of the Program Committee, made up of Doctors Power, Taylor, Ophuls and Boardman.

At the request of the Board of Directors, Rabbi Meyer was invited to attend a meeting of the section and to present his ideas on the sub-

ject of mental delinquency. Following this meeting it was decided to set up a special sub-committee on the subject of mental hygiene and Dr. H. G. Mehrtens was chosen as its chairman.

Various other committees of the section were continued, and steps taken to prepare for a survey of the public health measures that will come before the next Legislature.

RAY LYMAN WILBUR, Chairman.

Section on Public Utilities

H. A. Mason, Chairman

Paul Bancroft
Louis Bartlett
H. U. Brandenstein
Henry D. Dewell
Wm. Dolge
C. S. S. Dutton
Paul Eliel
Chas. Gilman Hyde
Wm. Kent
C. N. Kirkbride
Adolph Koshland
L. S. Leavy
Percy V. Long
Marsden Manson
Byron Mauzy
Thos. H. Means
E. J. Mott
J. W. Mullen
Bert Schlesinger
Frank D. Stringham
R. V. Whiting
C. B. Wing
A. Y. Wood

Committee on Scientific Research

Barton W. Evermann, Chairman

H. E. Alderson
Frank Angell
Charles S. Ash
J. W. Beckman
Bernard Benfield
H. Alexander Brown
W. W. Campbell
H. G. Chappel
Miner Chipman
Robert H. Collins
W. T. Cummins
Charles S. Cushing
C. G. Dennis
J. G. De Remer
Percival Dolman
Samuel Dolbear
L. H. Duschak
Harold K. Faber
Charles F. Gallagher
C. E. Grunsky
S. Nicholas Jacobs
W. L. Jepson
Vernon L. Kellogg
Felix Lengfeld
E. P. Lewis
C. B. Lipman
H. Lisser
Max Loewenthal
Peter H. Luttrell
Marsden Manson
Thomas H. Means
E. P. Meinecke
Franklin P. Nutting
J. W. Payne
H. D'Arcy Power
C. M. Richter
J. W. Robertson
T. H. Robertson
Richard Sachse
Ralph E. Sanborn
L. Selfrid
Frank L. Sizer
Walter Stalder
Celestine J. Sullivan
Frank J. Veihmeyer
Benjamin Ide Wheeler
George H. Whipple
Charles H. White
Ray Lyman Wilbur
Bailey Willis

Committee on State Highways

Otto von Geldern, Chairman

T. D. Boardman
A. Borland
Joseph E. Caine
Clifford G. Dennis
Henry D. Dewell
H. S. Dutton
Nathaniel B. Ellery
Louis F. Haber
George C. Holberton
James Horsburgh, Jr.
Edward Jesurun
A. Kempkey
A. E. Lucy
James M. Oliver
A. T. Parsons
H. L. Slossons
Fred H. Tibbetts
Bailey Willis

Committee on Taxation

H. W. Clark, Chairman

David Atkins
Louis Bartlett
Albert Burch
L. G. Burnett
John U. Calkins
R. S. Chapman
Geo. A. Clough
John P. Coghlan
T. C. Coogan
Monte A. Dernham
H. D. Dewell
F. T. Duhring
W. C. Fankhauser
John Ginty
J. G. Hooper
Thos. Jennings
F. V. Keesling
J. S. Lamson
H. A. Mason
H. E. Monroe
Louis H. Mooser
L. E. W. Pioda
C. C. Plehn
J. H. Scott
Clyde L. Seavey
S. C. Smith
Geo. E. Springer
Walter H. Sullivan
Milton T. U'Ren
Edw. F. Treadwell
E. A. Walcott
Wm. M. Wheeler
W. R. Williams
Percy A. Wood
Leonard A. Woolams
E. R. Zion

Committee on Water Power

E. B. Bumsted, Chairman

F. G. Baum
C. H. Bentley
H. U. Brandenstein
John A. Britton
H. G. Butler
A. E. Chandler
Frank R. Devlin
Henry D. Dewell
Mortimer Fleishhacker
G. S. Forderer
F. H. Fowler
W. L. Huber
Ely C. Hutchinson
H. F. Jackson
Charles H. Lee
B. F. Lynip
W. F. McClure
Thomas H. Means
Edward F. Moran
M. M. O'Shaughnessy
Carl Henry Reuter
Robert Sibley
C. B. Wing

Transactions of the Club

The scope of the Club's activities during the eighteen years of its existence may be judged from the list of the Transactions issued. The prices given include postage:

Volume I

No. 1. Relations of Employer and Employed, November, 1903. Pp. 31. (Out of print.)
No. 2. Civil Service, January, 1904. Pp. 31. (Out of print.)
No. 3. Taxation, June, 1904. Pp. 14. (Out of print.)
No. 4. Reclamation of Swamp Lands, October, 1904. Pp. 48. (Out of print.)
No. 5. Direct Legislation, January, 1905. Pp. 34. 12c.
No. 6. Regulation of Water Rights, December, 1905. Pp. 101. (Out of print.)
No. 7. Progress Report, January, 1905. Pp. 11. (Out of print.)
No. 8. Penology of California, March, 1905. Pp. 22. (Out of print.)
No. 9. Relations of Employer and Employed, April, 1905. Pp. 30. (Out of print.)
No. 10. Hospitals of San Francisco, May, 1905. Pp. 32. (Out of print.)
No. 11. State Charities of California, June, 1905. Pp. 22. (Out of print.)
No. 12. Progress Report, October, 1905. Pp. 14. (Out of print.)
No. 13. Government Regulation of Railroad Freight Rates, November, 1905. Pp. 40. (Out of print.)

Volume II

No. 1. The Port of San Francisco, January, 1906. Pp. 67. 18c.
No. 2. The Tenement House Question. Child Labor in California, October, 1906. Pp. 48. (Out of print.)
No. 3. Torrens System of Transferring Land Titles, November, 1906. Pp. 30. 12c.
No. 4. Good Roads, December, 1906. Pp. 50. 12c.
No. 5. The Direct Primary, January, 1907. Pp. 28. 12c.
No. 6. Appointment and Tenure of Office of Teachers in California, February, 1907. Pp. 31. (Out of print.)
No. 7. Water Supply for San Francisco, June, 1907. Pp. 109. (Out of print.)
No. 8. Fire Protection for San Francisco, September, 1907. Pp. 41. 12c.
No. 9. Condition and Needs of the University of California, October, 1907. Pp. 37. 12c.
No. 10. Municipal Ownership, November, 1907. Pp. 46. 13c.
No. 11. Needs of the National Guard, December, 1907. Pp. 42. 12c.

Volume III

No. 1. State Indebtedness, January, 1908. Pp. 25. 12c.
No. 2. Proposed Educational Amendments to the State Constitution, February, 1908. Pp. 45. (Out of print.)
No. 3. Proceedings at the Annual Banquet, March, 1908. Pp. 20. 12c.
No. 4. The Proposed Taxation Amendment to the State Constitution, May, 1908. Pp. 100. 19c.
No. 5. The Banking Laws of California, June, 1908. Pp. 85. 19c.
No. 6. Amendments to the State Constitution to Be Voted on November 3, 1908, August, 1908. Pp. 40. 12c.
No. 7. The Railroad Commission of California, September, 1908. Pp. 72. 18c.
No. 8. Regulation of Stock Sales by Proposed Senate Constitutional Amendment No. 34, October, 1908. Pp. 36. 12c.
No. 9. Reform in Criminal Procedure, December, 1908. Pp. 74. (Out of print.)

Volume IV

No. 1. Proceedings at a Banquet in Honor of Dr. James Bryce, March, 1909. Pp. 30. 12c.
No. 2. Forestry in California, April, 1909. Pp. 85. (Out of print.)
No. 3. The Question of Ship Subsidies, May, 1909. Pp. 38. 12c.
No. 4. Some Conditions of Pacific Ocean Commerce, June, 1909. Pp. 43. (Out of print.)
No. 5. Swamp Land Reclamation, September, 1909. Pp. 116. (Out of print.)
No. 6. The Hetch Hetchy Water Supply, November, 1909. Pp. 100. (Out of print.)
No. 7. Indian Rights and Wrongs, December, 1909. Pp. 27. 12c.
No. 8. Progress Report for 1909, January, 1910. Pp. 61.

Volume V

No. 1. Conservation of the Forest, February, 1910. Pp. 14. 11c.
No. 2. Labor Problems in California, April, 1910. Pp. 150. 31c.
No. 3. Rehabilitation of the Merchant Marine, May, 1910. Pp. 17. 12c.
No. 4. Dependent Children, June, 1910. Pp. 68. 18c.
No. 5. The Prevention of Tuberculosis, July, 1910. Pp. 77. 19c.
No. 6. Constitutional Amendments of 1910, September, 1910. Pp. 88. 19c.
No. 7. India Basin and State Highways, October, 1910. Pp. 48. 13c.
No. 8. Progress Report for 1910, January, 1911. Pp. 53.

Volume VI

No. 1. The Red Plague, May, 1911. Pp. 83. 19c.
No. 2. Employer's Liability and Woman's Suffrage, June, 1911. Pp. 68. 19c.
No. 3. The Recall Amendment, July, 1911. Pp. 84. 19c.
No. 4. The Railroad Commission Amendments, August, 1911. Pp. 44. 13c.
No. 5. Direct Legislation, September, 1911. Pp. 68. 19c.
No. 6. The City Charters Amendments, October, 1911. Pp. 55. 18c.
No. 7. State Aid to Agriculture, November, 1911. Pp. 107. 24c.
No. 8. Marketing Irrigation Bonds, December, 1911. Pp. 69. (Out of print.)
No. 9. Progress Report for 1911, January, 1912. Pp. 82.

Volume VII

No. 1. Control of San Francisco Harbor, March, 1912. Pp. 68. 18c.
No. 2. Conservation, June, 1912. Pp. 246. 85c.
No. 3. State Text Books, August, 1912. Pp. 60. 18c.
No. 4. Home Rule in Taxation, October, 1912. Pp. 86. 19c.
No. 5. Workmen's Compensation-Employers' Liability, November, 1912. Pp. 54. 18c.
No. 6. State vs. Local Control of Harbors, December, 1912. Pp. 40. 13c.
No. 7. Progress Report for 1912, January, 1913. Pp. 87.

Volume VIII

No. 1. Judicial Procedure, February, 1913. Pp. 53. 18c.
No. 2. The Water and Forest Bills, March, 1913. Pp. 48. 13c.
No. 3. The Industrial Accidents Bill, April, 1913. Pp. 53. 18c.
No. 4. Immigration, May, 1913. Pp. 25. 12c.
No. 5. Public Recreation, June, 1913. Pp. 129. 24c.
No. 6. Sources of California History, July, 1913. Pp. 19. 12c.
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Volume XII

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Volume XIII

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Volume XIV

No. 1. Address by Hon. Wm. Howard Taft, February, 1919. Pp. 12. 11c.
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No. 3. Pending Legislation of 1919, April, 1919. Pp. 46. 12c.
No. 4. The League of Nations, May, 1919. Pp. 69. 18c.
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Volume XV

No. 1. A Standard of Value, March, 1920. Pp. 75. 28c.
No. 2. Reservations to the Peace Treaty, May, 1920. Pp. 52. 18c.
No. 3. The Poor Man in Court, June, 1920. Pp. 56. 23c.
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No. 6. Problem of the Prisoner, October, 1920. Pp. 39. 17c.
No. 7. Water Power and Irrigation, December, 1920. Pp. 65. 23c.
No. 8. Selection of Jurors, December, 1920. Pp. 40. 17c.
No. 9. Election Laws, January, 1921. Pp. 31. 17c.
No. 10. Progress Report for 1920, February, 1921. Pp. 123.

These Transactions are intended to contain in brief form all available information on all sides of the question discussed. Most of the material published is from first-hand investigation, the material available in other publications being covered in the bibliography and other references, which are published for the use of students and other investigators.

A few bound copies of Volumes III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII and XIV are for sale to members at the office of the Secretary at $3.00 each. Copies of Volume XV will soon be ready.

At the completion of each volume of the Transactions an index is prepared covering the entire volume. Uniform bindings at reasonable cost are arranged by the Secretary. All numbers of the Transactions are mailed to each member as issued. Index and title page to any volume except the first can be supplied.

CONSTITUTION

Name

Article I. The name of this organization shall be the Commonwealth Club of California, and its business office shall be maintained in San Francisco, California.

Object

Article II. The object of the Commonwealth Club shall be to investigate problems affecting the welfare of the Commonwealth, and to aid in their solution. The Club may consider local questions concerning any political subdivision of the State, but, except for some urgent reason, shall do so in collaboration with, or under the leadership of some local civic body.

Membership

Article III. Section 1. There shall be three classes of members, namely, active, associate and honorary members. The active members of the Club only shall have the right to vote on questions affecting the management or property of the Club. The Board of Governors may elect as associate member any person whose assistance may be desired in the work of the Club. On nomination by the Governors any distinguished person may, by vote of a Club meeting, be made an honorary member. The active members shall be all members other than associate and honorary members.

Section 2. Applications for membership shall be made in such form as the Board of Governors shall prescribe. All names proposed for active membership shall be submitted to the Board of Governors, which shall investigate the fitness of applicants, and recommend to the Club the election of approved persons.

Section 3. The Secretary shall mail to all members of the Club a list of persons whose applications have been approved by the Board of Governors, requesting objection to any applicant, if any such objection exist. If no objection shall be received within two weeks from the date of mailing, the applicants shall be considered elected, and the Secretary shall notify them of their election. If objection to any be made, the Secretary shall report the same to the Board of Governors who shall take such action as is deemed best.

Officers

Article IV. Section 1. The elected officers shall be a President and a Vice-President, whose duties shall be those implied by the titles of their office, and seven Governors. The appointed officers shall be a Secretary, Treasurer, and the chairmen of Sections, who shall all be nominated by the President and confirmed by the Board of Governors and shall serve during the pleasure of the board. An Executive Secretary shall be employed at a salary to be fixed by the Board of Governors, to hold office at the pleasure of the Governors, who shall perform such duties as may be prescribed by the board. A bank may be designated to act as Treasurer. The President and Vice-President shall be *ex officio* members of all committees.

Section 2. Any member who has served for a term of not less than one year as President of the Club shall be a member of the Board of Governors so long as he remains a member of the Club. He shall have the same powers of voting as other members of the board, but shall not be subject to forfeiture of membership on the board because of absence from its meetings.

Section 3. The term of office of the President and Vice-President shall be one year. The term of office of a Governor shall be three years. Two Governors shall be elected each year, except that three shall be elected every third year. Elected officers shall take office on the first day of the calendar year and shall serve until their successors are elected and qualified. Vacancies in elective offices shall be filled by the Board of Governors for the remainder of the calendar year, any unexpired terms being filled at the annual election.

Section 4. Any elected member of the Board of Governors who shall become a candidate for an elective office shall thereby vacate his office or governorship.

Section 5. Any member who has served for seventeen years as Treasurer of the Club shall be a member of the Board of Governors so long as he remains a member of the Club. He shall have the same powers as other Governors. (Amendment adopted January, 1921.)

Board of Governors

Article V. Section 1. The Board of Governors shall constitute the legislature of the Club and shall transact all its business except as otherwise provided in this constitution. It shall consist of the President, Vice-President, and the elected and *ex officio* Governors. Five shall constitute a quorum.

Section 2. The Board of Governors shall hold regular meetings at least once a month, and such other regular meetings as may be required by its rules. Special meetings may be called by the President, or in his absence, by the Vice-President, or by any three members of the Board of Governors.

Section 3. The Board of Governors may take the advice of the members at any meeting of the Club, but except as otherwise provided in this constitution, shall not be bound by the instructions of any meeting which is not attended by a majority of the active members of the Club. The Governors may submit any question to the Club by a postal card or similar vote, and shall be bound by the instructions of a majority of those voting.

Section 4. The Board of Governors may give leave of absence from the State to any member thereof for a period not exceeding three months, but otherwise absence from a majority of the meetings of the Governors in any three months or from the meetings of the Executive Committee, if an appointed member thereof, except by reason of illness, shall vacate the office of such Governor, which shall immediately be filled for the unexpired term by the Board of Governors.

Executive Committee

Article VI. Section 1. The President shall appoint from the members of the Board of Governors an Executive Committee which shall meet at least once a week. The term of such committee shall expire with that of the President who appointed them. The number constituting the Executive Committee shall be fixed by the Board of Governors, and the President and Vice-President shall be *ex officio* members. The chairman of the Executive Committee shall be the executive officer of the Club in the absence of the President and Vice-President.

Section 2. The Executive Committee shall exercise such powers as may be given it by the Board of Governors, and during the recess of the board may exercise the powers of that board in respect to matters on which the board has not acted. Its minutes shall be kept in the same book with the minutes of the Board of Governors.

Elections

Article VII. Section 1. The elected officers of the Club shall be chosen by ballot on the day and evening of the regular meeting in December of each year.

Section 2. At the regular meeting in October of each year there shall be elected a nominating committee of five members, none of whom are elected officers of the Club. The Governors shall place in nomination for membership on this committee two members, and there shall be chosen by *viva voce* vote from the members attending such meeting, an Elisor who shall forthwith nominate three additional members. Additional nominations for membership on the committee may be made from the floor. If additional nominations are made, the selection of the five committee members shall be by ballot. Otherwise the five members nominated by the Governors and by the Elisor shall constitute the nominating committee. The nominating committee shall, at the regular meeting in November, name from the membership of the Club a candidate for each vacancy to be filled. Other candidates may be named by the members present at the November meeting, or by filing with the Secretary, not later than ten days after the November meeting, a nominating petition signed by not less than ten of the active members of the Club.

Section 3. The names of all candidates shall be printed in the notice of the December meeting and sent to all members, and the Secretary shall provide a suitable number of ballots for the purpose of the elections.

Section 4. The polls shall be opened at the Club rooms on the day of the regular meeting in December from 12:30 to 4:30 p. m. and at such time during the December meeting as will give opportunity for those present to cast their ballots. The President shall appoint not less than two tellers to receive the

ballots. When all who desire have voted, the polls shall be declared closed and the tellers shall count the ballots and declare the result.

Section 5. Members residing outside of San Francisco and Alameda county may vote by mailing their ballots folded to the Secretary, enclosed in a sealed envelope on which the member's name is written. When the polls are opened the tellers shall open the envelope and deposit the ballot. The Secretary shall mail the ballot to each such member one week before the election.

Section 6. No member whose dues are not paid up to the 30th day of June preceding the election shall be entitled to vote. The Secretary shall prepare for the tellers a poll-list of all members entitled to vote.

Section 7. The terms of officers shall begin with the first day of January following their election.

Club Meetings

Article VIII. Section 1. The Club shall hold at least one regular meeting in each month and such special meetings as may be called by the President or the Governors. Subjects and reports of sections or committees shall be considered in the order determined by the Board of Governors.

Section 2. The Secretary shall at each regular meeting read for the information of the members a statement of the business transacted by the Governors and the Executive Committee during the previous month; also the Treasurer's report of the Club's receipts and expenditures, and of the condition of the funds.

Section 3. The members attending any Club meeting at which the report of a section or committee of the Club is under consideration may by a majority vote resolve that the sense of the meeting be taken upon any recommendation contained in such report, or if there be no objection the presiding officer may ascertain the sense of the meeting by calling for a vote. A majority vote shall be considered as determining the sense of the meeting. If the vote is unanimous and in conformity with the recommendation of a committee or section, the same shall be considered to express the opinion of the Club, but the Governors may, and on request of twenty-five members must, nevertheless submit the question to a postal card vote. Notice of action by a Club Meeting committing the Club to any policy shall be announced to the Club with the notice of the next monthly meeting and if no request for a postal card vote shall be made by the date of such meeting, the action shall be final.

Section 4. The members present at any meeting may recommend measures to the Board of Governors or may require any matter to be submitted to vote of the whole Club. The vote of the whole Club shall be taken by mail in such form as the Governors may prescribe, and the Club shall be bound by a majority of those voting.

Initiation Fees and Dues

Article IX. Section 1. The initiation fee to active membership shall be $10.00, provided that in the case of any person who has retired from the Club in good standing and desires readmission, the initiation fee shall be $5.00. Honorary and associate members shall be admitted without initiation fee.

Section 2. The dues of active members residing at or within fifty miles of San Francisco shall be $1.00 per month, payable quarterly in advance, and of active members residing more than fifty miles from San Francisco, and of associate members, $5.00 per year, payable in two installments, on January 1st, and July 1st, for the ensuing six months. Members of the teaching force of the University of California and of the Leland Stanford Jr. University below the grade of associate professor, who signify their willingness to assist the Club when called upon in its research work and discussions, shall pay no dues, but shall have the rights of active members. The Governors may by unanimous vote of those present at a Governors' meeting relieve any person from payment of arrears of dues. No dues shall be charged against new members until the beginning of the quarter or half year respectively following their election. Any members twelve months or more in arrears may be dropped from the rolls at the discretion of the Governors.

Section 3. Any active member may, subject to approval of the Governors, become a life member on payment of the following sum: If paid before the expiration of one year after paying initiation fee, $115; if paid after the expiration of one year and before the expiration of five years, $110; after the expiration of five years, $100; after the expiration of ten years, $80; after the expiration of fifteen years, $60. Life members retain the standing of active members, and are exempt from the payment of further dues.

Funds

Article X. All initiation fees and all sums transferred from the Current Fund shall be deposited as a Permanent Fund in some savings bank or invested in national, state, county or municipal bonds. The Permanent Fund may be used only for the lease or purchase of land, the erection of buildings or the furnishing of rooms for the use of the Club.

The Governors may accept donations of funds for the promotion of the purposes of the Club, and shall apply them according to the conditions of the trust.

The receipts from dues, from life memberships and from miscellaneous sources shall be known as the Current Fund and shall be used for the current expenses of the Club. At the end of each quarter all sums in the Current Fund in excess of $2,000 shall be transferred to the Permanent Fund.

The Governors may transfer from the Permanent Fund to the Current Fund amounts not exceeding $500 in any one month, all transfers of funds to be reported to the Club at the earliest opportunity.

Sections and Committees

Article XI. There shall be sections and committees formed in the Club at the discretion of the Governors. A section shall consist of the chairman, who shall be appointed by the President, and such members as may associate themselves with him for the consideration of any subject or class of subjects. Sections may formulate their own rules and methods of procedure. The duty of the Sections shall be to prepare subjects for consideration of the meetings of the Club and to report upon papers referred to them by those meetings, supplementing them, when desirable, with material of their own, the intent being that when subjects come from a Section there shall be an orderly and impartial presentation of all the essential facts bearing upon the question so far as the Section can ascertain them and such discussion and recommendations as the Section desires. It shall be their especial duty to see that definite opinions or issues shall be formulated in such form that the Club can conveniently take them up and approve or disapprove. Should the number of subjects proposed be greater than the Club can properly discuss at its meetings, Sections may hold separate meetings for their discussion, and the papers and discussion may at the discretion of the Governors, be published in the Transactions of the Club.

By-Laws

Article XII. The Board of Governors shall have power to adopt By-Laws not inconsistent with this constitution, which By-Laws before becoming effective shall be submitted at a regular meeting of the Club for its approval. A two-thirds vote of the members voting at such meeting shall be necessary to render the By-Laws effective. The By-Laws may be amended at any meeting of the Board of Governors, provided that notice of the proposed amendment has been given at a prior meeting and that the amendment be approved at a meeting of the Club as in the case of the original draft of the By-Laws.

Delinquent Members

Article XIII. Should any member of the Club be convicted of an offense involving moral turpitude, or be connected with any notorious public scandal in such a way that his connection with the Club may injure its good name, the Board of Governors by vote of seven members, may drop him from the rolls, notifying the member, but making no public announcement. The record of the Board of Governors must state the facts and the reason for the action, but such record shall not be read at the Club meeting. It shall be the duty of the Board to so act in case of grave public scandal.

Amendments

Article XIV. Amendments to this Constitution may be proposed by the Board of Governors or by a member of the Club at any regular meeting of the Club. They shall lie over for one meeting and be discussed by the Club. Notice of the fact that such amendments are pending shall be given in the call of the meeting at which they are to be discussed. If approved by a majority of the active members voting thereon at the Club meeting and not otherwise a postal card vote shall be taken and if a majority of those voting on any amendment are in the affirmative the amendment shall stand adopted.

Schedule

Article XV. This constitution shall take effect from and after the date of canvass of the votes thereon by the Board of Governors, and shall supersede the constitution adopted 1907 and the amendments thereto. All officers elected in accordance with the provisions of said constitution shall serve the term for which they were elected and their successors shall be elected in accordance with the provisions herein set forth.

BY-LAWS

Papers

Section 1. All formal papers read before the Club with a view of their discussion will be expected to include a summary of all the information in possession of the writer upon which the conclusions reached by him are based with such references as will enable the student to verify and investigate further. They shall also usually conclude with resolutions definitely formulated to express the action which the author believes ought to be taken in the premises.

Section 2. Formal papers, when prepared as directed in Section 1, shall be considered by a section or committee before their final discussion by the Club, unless the Governors shall otherwise direct.

Library

Section 3. The library of the Club shall, so far as possible, be made to include all material necessary to enable students to inform themselves in respect to social, economic and industrial conditions and problems of California and its principal municipalities. It shall endeavor to maintain a complete file of the official reports of the state institutions and municipalities. The Secretary shall be *ex officio* librarian and the President shall appoint a library committee of three.

Committees and Sections

Section 4. The President shall appoint a Membership Committee, whose duty it shall be to maintain and increase the membership of the Club. The committee shall take care to recommend to the Governors only persons whose reputation is above reproach and who are above suspicion of endeavor to make use of the Club to promote their personal, corporate or political interests. The Board of Governors may create such standing and special committees and sections of the Club as may be found to be desirable. All committees and sections unless otherwise ordered by the Governors shall be appointed by the President and their terms shall expire with that of the President under or by whom they were appointed. Although any member of the Club may participate in the work of any section, it shall, nevertheless, be the privilege of the President to appoint members to the sections as he may deem advisable.

Luncheons

Section 5. Luncheon meetings of the Club shall be held for the purpose of hearing speakers on topics of current interest. The President shall appoint a chairman to preside at such luncheon meetings who shall serve for three months. The President shall appoint, to assist the chairman of luncheons, a committee of three members, and such of the past-chairmen of the luncheons as desire to associate themselves with this work. Such committee shall serve for the calendar year and until their successors are appointed.

Withdrawals from Permanent Fund

Section 6. The moneys in the Permanent Fund of the Commonwealth Club deposited in savings bank, and bonds and other securities placed in custody of any bank, may be drawn out only on the signature of the President, Secretary, and Treasurer of the Club, or of any two of them.

Dropping of Members in Arrears

Section 7. When any member shall, at the beginning of any quarter, be found in arrears in payment of dues for one year, not including the payment then due, his attention shall be called to the fact with request to remit. If neither explanation nor remittance shall be received (within what the Executive Committee considers a reasonable time), he shall be notified that unless he makes good his arrears within thirty days he forfeits his rights to membership in the Club and may at any time thereafter be dropped by the Governors. The Governors shall exercise a kindly discretion in dealing with those who become unable to pay, either by remitting their dues or dropping them from the roll without publicity.

Time for Qualifying as Members

Section 8. It is hereby ordered that whenever a person shall not have qualified within ninety days after his election, he shall be dropped from the Club's list as refusing to accept membership; provided, that on request of such person or of

the member who proposed his name, the Executive Committee shall have power to extend the time for qualifying.

Publication of Papers

Section 9. Papers read before the Luncheons or Sections of the Club shall not be published in the Transactions unless they have first been examined and reported upon by a committee, or have been discussed at a meeting of the Club.

Club to Maintain Impartial Position

Section 10. The Commonwealth Club shall maintain itself in an impartial position as an open forum for the discussion of disputed questions.

Annual Reports

Section 11. The President, Treasurer and Executive Secretary shall each prepare an annual report which shall be printed and distributed to all members.

Members Exempt from Dues

Section 12. Members claiming exemption from dues under Article IX, Section 2, of the Constitution of the Club shall signify in writing their willingness to assist the Club in its research work, and shall append a statement of the subjects in which they are willing to perform such service.

Transactions

Section 13. Unless otherwise ordered by the Governors, extra copies of bulletins will be supplied to members on request, at cost. Applications for extra copies from non-members shall be considered by the Executive Committee or by the Governors.

Privileges to Non-Members

Section 14. Cards may be issued in the discretion of the President, or Vice-President, on the request of a member, to non-residents entitling the holder to the privileges of the Club for a period of time to be stated on the card.

Loans from Library

Section 15. Members shall be allowed to hold material obtained from the Library two (2) weeks, and for a renewal period (upon request at the end of the first period) of two (2) additional weeks.

Material taken for committee work may be held by committee members for two (2) months, subject to recall at any time.

A fine of ten cents (10c.) per week will be collected for holding beyond such periods.

Procedure at Club Meetings

Section 16. The Chairman is directed in all cases to notify the speaker one minute before the expiration of his time of that fact, and at the expiration of his time it shall not be in order to extend it. When other members have had an opportunity to speak, then the original speakers may again be heard.

Preference for Speakers

Section 17. Notices of meeting shall request members desiring to speak under the five-minute rule to notify the President before the discussion begins, and those names shall be called first unless the President finds it necessary to do otherwise in order to give all sides a fair hearing. Except that when the Club is entertaining some distinguished guest, or upon any other occasion of ceremony, the order and method of procedure shall be at the discretion of the President.

Leaves of Absence

Section 18. (a) The Board of Governors may grant leave of absence not exceeding one year to any member of the Club for the time of his absence from the State. Within three months of its expiration any such leave of absence may be extended for a further term.

(b) Members of the Club who are called to active service in the army or navy of the United States in time of war shall be granted leave of absence for the term of such service.

(c) Leave of absence shall carry with it exemption of dues for the term of such leave.

MEMBERSHIP LIST

Membership Past Years

January 1st

1904	60
1905	116
1906	200
1907	239
1908	362
1909	491
1910	701
1911	800
1912	1108
1913	1233
1914	1254
1915	1259
1916	1262
1917	1500
1918	1900
1919	2116
1920	2449
1921	2809

Honorary Members

ALBERT, KING OF BELGIUM.....Elected October 16, 1919
DR. JOHN C. MERRIAM, pres., Carnegie Institution, Washington, D. C., elected Sept. 16, 1920

Life Members

Bourn, W. B., president, Spring Valley Water Co.....San Mateo, Cal.
Elected April 1, 1920
Boynton, Albert E., attorney.....Insurance Exchange bldg., San Francisco
Elected January 22, 1920
Brown, Philip King, physician.....Medical bldg., San Francisco
Elected March 18, 1920
Cornish, Frank V., city attorney of Berkeley.....Underwood bldg., San Francisco
Elected January 12, 1920
Crothers, George E., attorney.....Chronicle bldg., San Francisco
Elected January 3, 1921
Cushing, Charles S., attorney.....First National Bank bldg., San Francisco
Elected January 31, 1921
Dennison, Walter E., rancher.....Newman, Cal.
Elected January 22, 1920
Eberhard, George H., president, The George F. Eberhard Co....360 Fremont st., San Francisco
Elected March 18, 1920
Ford, William H., manufacturer.....801 Mutual Bank bldg., San Francisco
Elected November 8, 1920
French, Will J., chairman, Industrial Accident Commission.....525 Market st., San Francisco
Elected January 3, 1921
Grunsky, C. E., consulting civil engineer.....57 Post st., San Francisco
Elected April 1, 1920
Hale, R. B., merchant.....Market and Fifth sts., San Francisco
Elected April 1, 1920
Haven, Thomas E., attorney.....Balboa bldg., San Francisco
Elected January 6, 1921
Hodghead, Beverly L., attorney.....Holbrook bldg., San Francisco
Elected April 1, 1920
Jennings, Thomas, merchant.....100 Howard st., San Francisco
Elected January 22, 1920
Jepson, Willis L., professor, Department of Botany, University of California,
2714 Benvenue ave., Berkeley, Cal. Elected April 1, 1920
Koshland, Max I., investment broker.....Mills bldg., San Francisco
Elected January 22, 1920
Marwedel, Charles W., tools, metals, shop supplies.....76 First st., San Francisco
Elected December 27, 1920
Morrison, A. F., attorney.....Crocker bldg., San Francisco
Elected June 17, 1920
Mott, E. J., attorney.....909 Flatiron bldg., San Francisco
Elected May 6, 1920
Powell, Alvin, physician.....2809 Forest ave., Berkeley, Cal.
Elected January 31, 1921
Rosenberg, Abraham, dried fruit packer.....334 California st., San Francisco
Elected January 8, 1920

Stalder, Walter, oil geologist.....922 Crocker bldg., San Francisco
Elected April 1, 1920
Walcott, E. A., executive secretary, Commonwealth Club of California, Civil Service Commissioner....76 San Rafael way, San Francisco. Elected March 18, 1920
Zion, E. R., chief inspector, Civil Service Commission.....City Hall, San Francisco
Elected January 6, 1921

Members

Abbott, Carl H., attorney.....Oakland Bank of Savings bldg., Oakland, Cal.
Abbott, F. H., printer and bookbinder.....545 Mission st., San Francisco
Abbott, G. D., mining engineer.....1022 Crocker bldg., San Francisco
Abrahamson, Hugo, retired.....Fairmont Hotel, San Francisco
Ackerman, Samuel J., department manager, D. N. & E. Walter & Co.
562 Mission st., San Francisco
Adams, Burton W., lumberman.....1002 First National Bank bldg., San Francisco
Adams, Charles A., attorney.....Humboldt Bank bldg., San Francisco
Adams, Edward F., journalist.....Chronicle bldg., San Francisco
Adams, Ephraim D., professor of history.....Stanford University, California
Adams, Frank, irrigation investigations, U. S. Dep. of Agr., University of California,
Federal bldg., Berkeley, Cal.
Adams, George R., purchasing agent.....Crocker bldg., San Francisco
Adams, Henry H., manager, The Gorham Company.....140 Geary st., San Francisco
Adams, H. P., engineer.....61 Sixth ave., San Francisco
Adams, L. P., surgeon.....Federal Realty bldg., Oakland, Cal.
Adams, R. L., professor of farm management, University of California.....Berkeley, Cal.
Addison, Thos., pacific coast manager, General Electric Co.....810 Rialto bldg., San Francisco
Adler, Albert F., grain merchant.....Insurance Exchange bldg., San Francisco
Adler, Howard F., physician.....1590 Broadway, San Francisco
Adler, Jack, insurance.....244 Pine st., San Francisco
Adler, John S., manufacturer's agent.....45 Kearny st., San Francisco
Aicher, A. J., general agent, Great Northern Railroad Co.....1009 Hearst bldg., San Francisco
Aiken, Albert C., attorney.....Flatiron bldg., San Francisco
Ainsworth, H. B., banker, Vice-President Wells Fargo Nevada Nat'l Bank.....San Francisco
Aitken, Alfred C., exporter and importer, Edw. L. Eyre Co....149 California st., San Francisco
Aitken, Frank W., attorney.....481 Mills bldg., San Francisco
Alanson, Milton R., physician.....240 Stockton st., San Francisco
Albers, Frank, manager, Albers Bros. Milling Co.....332 Pine st., San Francisco
Alderson, Harry E., physician.....240 Stockton st., San Francisco
Aldridge, W. T., banker.....Federal Reserve Bank, San Francisco
Alexander, E. W., physician.....135 Stockton st., San Francisco
Alexander, Jewel, attorney.....333 Pine st., San Francisco
Alexander, Roy B., automobile business.....1350 Van Ness ave., San Francisco
Alexander, W. M., manager, Alexander & Baldwin (commission merchants)
310 Sansome st., San Francisco
Allan, Thomas A., attorney.....Kohl bldg., San Francisco
Allen, A. H., secretary & treasurer, Berkeley Times Pub. Co...2317 Prospect st., Berkeley, Cal.
Allen, Carl H., social worker.....1763 Webster st., Oakland, Cal.
Allen, E. O., attorney, Industrial Accident Commission.....Underwood bldg., San Francisco
Allen, E. T., retired.....607 Monadnock bldg., San Francisco
Allen, Frederick E., specialist, mental and nervous diseases....372 Adams st., Oakland, Cal.
Allen, H. B., real estate.....125 Sutter st., San Francisco
Allen, Herbert D., secretary, Kullman Salz & Co.....603 Wells Fargo bldg., San Francisco
Allen, H. S., proprietor, Allen's Press Clipping Bureau.....121 Second st., San Francisco
Allen, W. B., president and manager, Palo Alto Hardware Co.....Palo Alto, Cal.
Allison, G. S., president, G. S. Allison Co., wholesale fruit and vegetable packer and shipper,
614 Front st., San Francisco
Alt, L. E., assistant cashier, American National Bank.....495 California st., San Francisco
Altman, John C., attorney.....Hobart bldg., San Francisco
Altmayer, M. W., manager, Argonaut Club.....421 Powell st., San Francisco
Altschul, Richard, retired.....Argonaut Club, Post and Powell sts., San Francisco
Alvarez, Walter C., physician.....177 Post st., San Francisco
Ambler, A. B., manufacturer's agent.....461 Market st., San Francisco
Ames, Alden, attorney.....493 Mills bldg., San Francisco
Ames, Fletcher, manufacturer.....100 Potrero ave., San Francisco
Ames, W. R., manufacturer.....450 Irwin st., San Francisco
Anderson, Archibald B., dean of the faculty, State Normal School,
Waller and Buchanan sts., San Francisco
Anderson, Douglas C., average adjuster.....311 California st., San Francisco
Anderson, F. M., consulting geologist.....2604 Etna st., Berkeley, Cal.
Anderson, Frank B., banker.....Bank of California, San Francisco
Anderson, Victor A., general insurance.....Crocker bldg., San Francisco
Andrews, T. P., real estate.....404 Chronicle bldg., San Francisco
Angell, Frank, professor of psychology.....Stanford University, California
Angellotti, F. M., chief justice Supreme Court.....Wells Fargo bldg., San Francisco
Anspacher, Philip, retired merchant.....Clunie bldg., San Francisco
Anspacher, Simon, merchant.....Clunie bldg., San Francisco
Anthony, H. M., attorney.....609, 610 Humboldt Bank bldg., San Francisco
Anthony, J. V., auditor, General Electric Co.....Rialto bldg., San Francisco
Applefield, Wm., cigar manufacturer.....344 Front st., San Francisco

Applegarth, G. A., architect.....Claus Spreckels bldg., San Francisco
Arata, Geo. F., wholesale produce.....539 Clay st., San Francisco
Armes, George A., president and general manager, Moore Shipbuilding Co., Foot of Adeline st., Oakland, Cal.
Armstrong, Geo., manufacturers' agent.....625 Market st., San Francisco
Armstrong, R. M. J., attorney.....250 Montgomery st., San Francisco
Armstrong, S. V., manufacturers' agent.....Monadnock bldg., San Francisco
Arnold. Clement H., physician.....177 Post st., San Francisco
Arnstein, Hugo, traveling freight agent.....3535 Clay st., San Francisco
Arnstein, L., merchant, Arnstein, Simon & Co.....Third and Mission sts., San Francisco
Arnstein, Lawrence, merchant, Arnstein, Simon & Co...Third and Mission sts., San Francisco
Arnstein, Walter, secretary, City Electric Co.....305 Hobart bldg., San Francisco
Ash, Chas. S., chemical engineer.....101 California st., San Francisco
Asher, Hugo K., attorney.....110 Sutter st., San Francisco
Astredo, J. C., chief probation officer.....150 Otis st., San Francisco
Atchison, J. R., mechanical enginer, care Chas. C. Moore & Co., engineers, 725 Sheldon bldg., San Francisco
Athearn, Fred G., attorney.....Balboa bldg., San Francisco
Atkins, David, mining engineer.....260 California st., San Francisco
Atkins, J. H. P., merchant.....550 Sutter st., San Francisco
Atkinson, Frank F., attorney.....Mitau bldg., Sacramento, Cal.
Atwood, C. G., attorney.....1086 Mills bldg., San Francisco
Aubert, L. J., banker.....1 Sansome st., San Francisco
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Austin, Frank B., attorney, Law Dept., Southern Pacific Co.....65 Market st., San Francisco
Austin, Malcolm O., physician.....86 Post st., San Francisco
Axton, Frederick R., real estate and investments.....19 Monte ave, Piedmont, Cal.
Ayres, R. B., manufacturer.....22 Twelfth st., San Francisco
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Babcock, C. B., merchant, wholesale gas appliances.....768 Mission st., San Francisco
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Bachman, Lawrence, department manager, D. N. & E. Walter & Co. 562 Mission st., San Francisco
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Baer, Adolph B., surgeon.....177 Post st., San Francisco
Baer, Julius, dentist.....177 Post st., San Francisco
Baerwald, Ernst, stock broker.....12 Mills bldg., San Francisco
Baetje, John P., merchant.....137 Steuart st., San Francisco
Baggs, Montgomery, insurance.....311 California st., San Francisco
Bailey, W. B., public accountant.....559 Monadnock bldg., San Francisco
Baker, Francis J., president, George H. Tay Co.....599 Mission st., San Francisco
Baker, Shirley, consulting civil engineer.....58 Sutter st., San Francisco
Baldwin, A. R., attorney.....Mills bldg., San Francisco
Baldwin, O. D., capitalist.....1000 Green st., San Francisco
Ball, Howard E., salesmanager.....704 Market st., Room 811, San Francisco
Baltor, Jacob, wholesale clothing.....32 Battery st., San Francisco
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Bank, E. Carl, salesman.....1972 Marin ave., Berkeley, Cal.
Banker, B. A., real estate broker.....128 Sutter st., San Francisco
Banks, William H., physician and surgeon.....191 Fifteenth ave., San Francisco
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Barkan, Fritz, salesman, California Jewelry Co.....Mutual Svgs. Bk. bldg., San Francisco
Barkan, Hans, physician.....516 Sutter st., San Francisco
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Barneson, J. Leslie, shipping.....324 Sansome st., San Francisco
Barneson, John, president, General Petroleum Co.....310 Sansome st., San Francisco
Barnhart, Geo. W., manager, Marion Steam Shovel Co....741 Monadnock bldg., San Francisco
Barnwell, Walter G., traffic manager, Santa Fe R. R. Co.....Santa Fe bldg., San Francisco
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Barrett, Gilbert M., surgeon.....516 Sutter st., San Francisco

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Bates, Harry S., director, Wilcox, Peck & Hughes.....311 California st., San Francisco
Bates, H. L. A., insurance.....277 Pine st., San Francisco
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Bauer, Sigmund, vice-president, Jules Levy & Bros.....733 Market st., San Francisco
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Baumer, Louis J., manufacturer.....22 Twelfth st., San Francisco
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Beedy, J. C., insurance.....332 Pine st., San Francisco
Beedy, Louis S., attorney.....310 Sansome st., San Francisco
Beedy, W. L., Sperry Flour Co.....332 Pine st., San Francisco
Beegan, J. J., dentist.....488 Flood bldg., San Francisco
Beers, H. H., petroleum engineer.....343 Sansome st., San Francisco
Behan, John E., secretary, Spring Valley Water Co.....375 Sutter st., San Francisco
Behrendt, J. W., druggist.....3474 Mission st., San Francisco
Beiersdorf, A. J., manufacturers' representative.....148 Locust st., San Francisco
Beinighoff, C. F., manufacturers' agent.....24 California st., San Francisco
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Bender, Albert M., insurance.....311 California st., San Francisco
Benfield, Bernard, consulting engineer.....719 Rialto bldg., San Francisco
Benioff, Geo. H., furrier, Hudson Bay Fur Co.....222 Powell st., San Francisco
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Bennett, J. H., shipping, care Bennett & Goodell.....311 California st., San Francisco
Bennett, R. F., insurance, London & Lancashire Fire Ins. Co.....332 Pine st., San Francisco
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Bentley, C. H., manufacturer.....101 California st., San Francisco
Bentley, W. P., minister.....206 Steiner st., San Francisco
Bercovich, Harry, cigar merchant.....501 Montgomery st., San Francisco
Berg, W. H., Standard Oil Co.....200 Bush st., San Francisco
Berg, W. M., druggist.....611 Mission st., San Francisco
Berger, Otto A., president, Berger & Carter Co.....365 Market st., San Francisco
Berger, Sam, merchant.....852 Market st., San Francisco
Bering, Robert E., physician.....1500 Page st., San Francisco
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Bine, Rene, physician.....350 Post st., San Francisco
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Borland, Robert H., attorney.....105 Montgomery st., San Francisco
Borland, William J., contractor, Bates & Borland.....702 Balboa bldg., San Francisco
Boroughs, E. H. C., California Glove Co., Inc.....Napa, Cal.
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Bostwick, Henry, division manager, Pacific Gas & Electric Co.....445 Sutter st., San Francisco
Botchford, D. H., steel plant manager.....351 California st., San Francisco
Botts, J. M., president, American Marine Paint Co.....149 California st., San Francisco
Boulware, A. S., instructor.....State Normal School, San Francisco
Bourret, Geo. R., machinery merchant.....1128 Mission st., San Francisco
Bouton, Wm. E., secretary, Building and Loan Associations and Insurance broker, 255 Mongomery st., San Francisco
Bowles, E. E., Chamber of Commerce.....1004 Merchants Exch. bldg., San Francisco
Bowles, S. O., salesman.....565 Market st., San Francisco
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Barrows, R. K., attorney.....433 California st., San Francisco
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Barry, James H., printer and publisher.....1122 Mission st., San Francisco
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Barter, [illegible], banker, Fagan Bank.....1390 Clay st., San Francisco
Barth, Hermann, architect.....80 Sixth ave., San Francisco
Bartlett, [illegible], surgeon.....291 Geary st., San Francisco
Bartlett, Louis, attorney, Mayor of Berkeley.....1700 Claus Spreckels bldg., San Francisco
Barnett, Albert, merchant.....Merchants Exchange bldg., San Francisco
Barnett, Frederick, merchant.....2230 Washington st., San Francisco
Bates, Eugene [illegible], president, Huise Bradford Co.....844 Mission st., San Francisco
Bates, [illegible], attorney.....333 Kearny st., San Francisco
Bates, Harry S., director, Wilcox, Peck & Hughes.....311 California st., San Francisco
Bates, [illegible], insurance.....277 Pine st., San Francisco
Bath, Edwin [illegible], attorney and supervisor.....Phelan bldg., San Francisco
Bauer, [illegible], attorney.....Merchants Exchange bldg., San Francisco
Bauer, Geo. W., vice-president, Bauer-Schweitzer Hop & Malt Co.,
600 Sacramento st., San Francisco
Bauer, Samuel, wholesale merchant.....83 First st., San Francisco
Bauer, Sigmund, vice-president, Jules Levy & Bros.....733 Market st., San Francisco
Bauer, [illegible], electrical engineer.....Hobart bldg., San Francisco
Bauer, Louis [illegible], manufacturer.....22 Twelfth st., San Francisco
Baumgartner, [illegible], vice-president, Hawaiian Pineapple Co., Ltd., 112 Market st., San Francisco
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Bazin, Ransom [illegible], merchant.....239 Geary st., San Francisco
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Bean, George [illegible], dentist.....350 Post st., San Francisco
Beard, [illegible], attorney.....Napa, Cal.
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604 Mission st., San Francisco
Beeson, Irving W., merchant.....755 Mission st., San Francisco
Beesly, A. H., accountant.....433 California st., San Francisco
Beesly, [illegible], insurance.....332 Pine st., San Francisco
Beesly, Louis S., attorney.....310 Sansome st., San Francisco
Beesly, W. L., Sperry Flour Co.....332 Pine st., San Francisco
Beegan, [illegible], dentist.....488 Flood bldg., San Francisco
Beers, H. H., petroleum engineer.....343 Sansome st., San Francisco
Behan, John E., secretary, Spring Valley Water Co.....375 Sutter st., San Francisco
Behrendt, [illegible] W., druggist.....3474 Mission st., San Francisco
Beverstorf, [illegible], manufacturers' representative.....148 Locust st., San Francisco
Beinghoff, C. F., manufacturers' agent.....24 California st., San Francisco
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Bell, Harmon, attorney.....1706 Broadway, Oakland, Cal.
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Bender, Albert M., insurance.....311 California [illegible]
Benfield, Bernard, consulting engineer.....719 Rialto [illegible]
Benioff, Geo. H., furrier, Hudson Bay Fur Co.....[illegible] Pow[illegible]
Benjamin, Edward H., mining engineer, Mariposa Comme[illegible]

Bennett, C. K., insurance ma[illegible] Fidelity & Deposit [illegible]
622 [illegible]
Bennett, Garry, lumber.....[illegible]
Bennett, J. A., farmer.....[illegible]
Bennett, James C., assis[illegible]
Bennett, J. H., shipping[illegible]
Bennett, R. F., insuranc[illegible]
Benson, John C., mine[illegible]
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Bercovich, Harry, ciga[illegible]
Berg, W. H., Standard[illegible]
Berg, W. M., druggis[illegible]
Berger, Otto A., pre[illegible]
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Billings, William E., attorney.....606 Hearst bldg., San Francisco
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Jacobs, S. Nicholas, surgeon.....209 Post st., San Francisco
Jacobson, Emil, merchant.....32 Battery st., San Francisco
Jacoby, P. I., president, Standard Biscuit Co.....832 Sansome st., San Francisco
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Jannopoulos, Albert, secretary-treasurer, Shreve & Co.....San Francisco
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Jenness, H. H., merchant.....330 Drumm st., San Francisco
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Johnson, D. S., western mgr., S. F. Bowser Co.....612 Howard st., San Francisco
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Jones, Drenzy A., civil engineer.....919 Hobart bldg., San Francisco
Jones, Earl R., merchant.....21 California st., San Francisco
Jones, Geo. M., sec., Reorganization Committee.....823 Kohl bldg., San Francisco
Jones, James H., capitalist.....Chico, Cal.
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Joy, M. W., merchant.....854 Pacific bldg., San Francisco
Judd, N. A., printer and bookbinder.....49 Park Hill ave., San Francisco
Judell, Adolph, Blanchard, Crocker & Howell.....126 Front st., San Francisco
Judkins, T. C., attorney.....827 Mills bldg., San Francisco
Judson, C. W., capitalist.....1111 Pine st., San Francisco
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Kahn, Sol., merchant, cash registers.....411 Market st., San Francisco
Kalenborn, A. S., electrical engineer.....667 Howard st., San Francisco
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Kant, Frederick W., attorney.....815 Mills bldg., San Francisco
Kast, Marius J., accountant.....753 Bush st., San Francisco
Katten, Simon, Bauer Bros. & Co.....3808 Clay st., San Francisco
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Kaye, Leo. W., diamond importer.....704 Market st., San Francisco
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Kelly, McClure, insurance.....223 Sansome st., San Francisco
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Kemp, John H., manufacturer's agent.....519 Commercial bldg., San Francisco
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Kessler, Richard H., commission merchant.....833 Market st., San Francisco
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Knight, Samuel, attorney.....303 Balfour bldg., San Francisco
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Koshland, Adolf, grain and bean merchant.....310 California st., San Francisco
Koster Carl L., vice-pres., Cal. Barrel Co.....433 California st., San Francisco
Koster, Frederick J., chairman of the board, Cal. Barrel Co...433 California st., San Francisco
Koster, John A., president, Cal. Barrel Co.....433 California st., San Francisco
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Kuppenheimer, Jos. A., retail cigars.....211 Kearny st., San Francisco
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Kuttner, Louis, optometrist.....206 Phelan bldg., San Francisco
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Lander, Chas. J., physician and surgeon.....Flood bldg., San Francisco
Landsberger, Julius A., pres., Hunt Bros. Packing Co.....2 Pine st., San Francisco
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Lawson, John, merchant....350 California st., San Francisco
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Leask, Samuel, merchant....Santa Cruz, Cal.
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Lee, Chas H., president, State Water Comm....74 New Montgomery, San Francisco
Lee, Fred L., manufacturer's agent....154 Sutter st., San Francisco
Lee, H. M., secretary, Tubbs Cordage Co....1010 Kohl bldg., San Francisco
Leege, C. F., banker, Anglo California Trust Co....532 Market st., San Francisco
Leggett, John W., dentist....Elkan Gunst bldg., San Francisco
Leggett, Robert M., dentist....Elkan Gunst bldg., San Francisco
Leibold, J. George, merchant....217 Market st., San Francisco
Leicester, J. F., attorney....105 Montgomery st., San Francisco
Lemcke, Martin, treasurer, Guggenhime & Co....100 California st., San Francisco
Lengfeld, Felix, pres., Lengfeld's Pharmacy....216 Stockton st., San Francisco
Lengfeld, Louis....145 County Road, San Mateo, Cal.
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Leonard, George L., real estate and building....666 Phelan bldg., San Francisco
Leonard, Jos. A., president, Leonard Realty Co....90 Cedro ave., San Francisco
Leroi, Geo. V., sales manager....565 Page st., San Francisco
Lesseman, A. L., manager, Heald's Business College....1215 Van Ness ave., San Francisco
Lesser, Harry, broker....58 2nd st., San Francisco
Levensaler, William M., sec., Dunham, Carrigan & Hayden Co....2 Kansas st., San Francisco
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Levi, Henry, merchant....15 Steuart st., San Francisco
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Lewis, Emanuel, sec., D. N. & E. Walter & Co....562 Mission st., San Francisco
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Lewitt, William B., physician....210 Post st., San Francisco
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Loewy, Edmund, merchant.....130 Sutter st., San Francisco
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Thane, B. L., mining engineer....408 Crocker bldg., San Francisco
Thayer, C. A., lumber....1 Drumm st., San Francisco
Thayer, Raymond H., E. K. Wood Lumber Co....1 Drumm st., San Francisco
Thelen, Max, attorney....351 California st., San Francisco
Thomas, Jr., F. F., attorney....Balfour bldg., San Francisco
Thomas, William, attorney....Alaska Commercial bldg., San Francisco
Thompson, Chas. N., retired capitalist....2140 Hyde st., San Francisco
Thompson, Morley P., manager, Baldwin Piano Co....310 Sutter st., San Francisco
Thompson, P. R., exec. sec., Manufacturers' Assn. of So. S. F....Rialto bldg., San Francisco
Thompson, Walter J., attorney....995 Market st., San Francisco
Thomson, Arthur Dalliba, deputy city attorney....City Hall, Oakland, Cal.
Thomson, Herbert S., physician....391 Sutter st., San Francisco
Thorne, Andrew, attorney....738 Mills bldg., San Francisco
Thorne, I. W., physician and surgeon....516 Sutter st., San Francisco
Thornton, John J., division superintendent, Bradstreet's....Kohl bldg., San Francisco
Thorsen, William R., lumber manufacturer, president, West Side Lumber Co., 1007 First National Bank bldg., San Francisco
Threlkeld, M. C., contractor....524 Phelan bldg., San Francisco
Thurston, Jr., E. T., consulting civil engineer and general contractor, Mezzanine Floor, Sharon bldg., San Francisco
Tibbetts, Fred H., civil engineer....1320 Alaska Commercial bldg., San Francisco
Tibbitts, W. G., shipping and commission merchant....Fife bldg., San Francisco
Tietzen, Paul O., banker....2840 Claremont blvd., Berkeley, Cal.
Tilden, C. L., attorney and general business....217 Front st., San Francisco
Tillson, Charles R., wholesale and retail lumber....Modesto, Cal.
Tinkham, Chas. E., retired....2619 Hillegass ave., Berkeley, Cal.
Tittle, H. S., contracting electrical engineer....766 Folsom st., San Francisco
Tobin, J. O., banker, Hibernia Savings & Loan Society....San Francisco
Todd, Clarence E., attorney....Hobart bldg., San Francisco
Tognazzi, B. G., merchant....417 Market st., San Francisco
Tompkins, Perry T., real estate....2526 Durant ave., Berkeley, Cal.
Tompkins, Philip W., industrial and engineering chemist, Curtis & Tompkins, 331 California st., San Francisco
Torregano, Ernest J., attorney....306-7 Mills bldg., San Francisco
Torrey, Frederic C., fine art dealer, Vickery, Atkins & Torrey....550 Sutter st., San Francisco
Towne, Arthur G., paper merchant, Blake, Moffit & Towne....41 First st., San Francisco
Townsend, Charles E., attorney....911 Crocker bldg., San Francisco
Toy, Harvey M., real estate....559 Phelan bldg., San Francisco
Tranter, Chas. L., neurological surgeon....209 Post st., San Francisco
Treadwell, Edward F., attorney....226 28th ave., San Francisco

Treat, De Witt C., cashier, The Mission Savings Bank, Valencia and 16th sts., San Francisco
Tremont, E. J., attorney.....57 Post st., San Francisco
Tripler, C. S., sec. and treas., Van Arsdale-Harris Lumber Co., Fifth and Brannan sts., San Francisco
Trowbridge, Delger, attorney.....821 First Natl. Bank bldg., San Francisco
Trower, Frank W., wholesale lumber dealer.....110 Market st., San Francisco
Truman, Charles H. J., undertaker.....1919 Mission st., San Francisco
Truman, Jr., I. J., attorney.....510 Mills bldg., San Francisco
Trumbo, H. E., banker.....The Mission Savings Bank, San Francisco
Tucker, T. C., manager, Cal. Almond Growers Exchange, 311 California st., San Francisco
Tufts, Clarence O., dental radiographer.....932 Butler bldg., San Francisco
Tufts, John B., dentist.....1000 Lake st., San Francisco
Tum, Suden Peter, attorney.....610 Merchants Natl. Bank bldg., San Francisco
Turner, Frank I., secretary, Hastings Clothing Co.....Post and Kearny sts., San Francisco
Turner, F. W., W. P. Fuller & Co.....301 Mission st., San Francisco
Turner, George C., superintendent, Boys Aid Society.....460 Baker st., San Francisco
Turner, Louis H., marine surveyor.....401 California st., San Francisco
Tyler, Percy D., builder.....1438 Cabrillo st., San Francisco
Tynan, J. J., general manager, Union Iron Works Co.....San Francisco
Uhl, Geo., merchant.....38 O'Farrell st., San Francisco
Ulman, Victor R., merchant.....178 Commonwealth ave., San Francisco
Upham, B. P., merchant, Isaac Upham Co.....510 Market st., San Francisco
Upham, I. O., merchant, Isaac Upham Co.....510 Market st., San Francisco
U'Ren, Milton T., attorney.....Hobart bldg., San Francisco
Urquhart, G. A., coast manager, The White House.....1490 Market st., San Francisco
Vandall, Murray F., title insurance.....101 Montgomery st., San Francisco
Vanderburgh, W. W., physician.....Flood bldg., San Francisco
Van Fleet, Carey, attorney.....501 Crocker bldg., San Francisco
Van Fleet, W. C., U. S. District Judge.....Post Office bldg., San Francisco
Van Nostrand, Lester, sales manager, Milton Bradley Co.....20 Second st., San Francisco
Van Sicklen, F. W., merchant.....40 Spear st., San Francisco
Van Wyck, Jr., Sidney M., attorney.....519 California st., San Francisco
Vargas, Chester C., auditor, Mercantile Trust Co.....1 Grant ave., San Francisco
Veale, R. R., county sheriff.....Martinez, Cal.
Veihmeyer, F. J., assistant professor of irrigation invest., University of California, Deciduous Fruit Station, Mountain View, Cal.
Victor, Chas. H., manager, Yawman Erbe Mfg. Co.....132 Sutter st., San Francisco
Victors, Ernst A., physician.....133 Geary st., San Francisco
Viets, G. B., manager, American Express Co.....2nd and Market sts., San Francisco
Vincent, Jr., W. G., exec. eng., Pacific Gas & Electric Co.....445 Sutter st., San Francisco
Vining, Everard A., retired.....Palo Alto, Cal.
Vollmer, Fred W., assistant cashier, Anglo-California Trust Co., 532 Market st., San Francisco
Vollmer, H. P., decorator.....2522 Lake st., San Francisco
Von Adelung, Edward, physician.....Oakland Bank of Savings bldg., Oakland, Cal.
Von Geldern, Otto, civil engineer.....865 Pacific bldg., SanFrancisco
Voorsanger, Leon M., sec., Magnus Fruit Products Co...Howard and Beale sts., San Francisco
Voorsanger, William C., physician.....177 Post st., San Francisco
Wachs, Lionel, real estate broker.....605 Easton bldg., Oakland, Cal.
Wade, H. M., attorney.....310 Hobart bldg., San Francisco
Wadsworth, H. H., consulting civil engineer.....58 Sutter st., San Francisco
Wahrhaftig, Matt., attorney.....Oakland Bank of Savings bldg., Oakland, Cal.
Wakefield, W. F. B., surgeon.....1065 Sutter st., San Francisco
Walker, P. J., construction manager.....1073 Monadnock bldg., San Francisco
Walker, T. B., capitalist, pres., Library Board and Academy of Science, 803 Hennepin ave., Minneapolis, Minn.
Wall, Geo. S., real estate.....709 Monadnock bldg., San Francisco
Wall, M. S., advertising.....200 Bush st., San Francisco
Wallace, Bradley L., attorney.....Mills bldg., San Francisco
Wallace, J. P., capitalist.....1770 Pacific ave., San Francisco
Wallace, J. S., attorney.....1022 Crocker bldg., San Francisco
Waller, T. L., factory representative.....859 Monadnock bldg., San Francisco
Walter, Clarence R., attorney.....629 Mills bldg., San Francisco
Walter, John I., vice-president, D. N. & E Walter & Co.....562 Mission st., San Francisco
Wang, Huai P., vice consul of China.....617 Montgomery st., San Francisco
Wangenheim, V. E., manufacturer, plumbing fixtures..67 New Montgomery st., San Francisco
Ward, Louis A., vice-pres. and mgr., American Trading Co.....244 California st., San Francisco
Wardell, Justus S., federal tax consultant.....2830 Broderick st., San Francisco
Ware, Allison, attorney.....Morehead bldg., Chico, Cal.
Ware, Howell H., manager, sales, Pacific Coast Glass Co.....7th and Irwin sts., San Francisco
Warner, R. C., comptroller, Standard Oil Co.....200 Bush st., San Francisco
Washburn, F. L., president, Western Meat Co.....6th and Townsend sts., San Francisco
Waste, William H., presiding justice, Dist. Court of Appeal..Wells Fargo bldg., San Francisco
Watkins, James T., surgeon.....Medical bldg., San Francisco
Watson, Albert J., certified public accountant.....310 California st., San Francisco
Watson, W. W., attorney.....813 Claus Spreckels bldg., San Francisco
Watt, Herbert J., chart. accountant, Baker, Hamilton & Pacific Co., 7th and Townsend sts., San Francisco
Watt, Rolla B., justice of the peace.....City Hall, San Francisco
Watt, Rolla V., manager, Royal Insurance Co.....201 Sansome st., San Francisco
Wayman, Willard O., general agent, National Fire Ins. Co.....374 Pine st., San Francisco
Webb, A. E., banker.....47 Alvarado Road, Berkeley, Cal.
Webb, Earll H., attorney.....738 Mills bldg., San Francisco
Webb, Joseph J., attorney.....Clunie bldg., San Francisco
Webb, U. S., attorney general of California.....Humboldt Bank bldg., San Francisco
Webb, Walton C., attorney.....1605 Claus Spreckels bldg., San Francisco

Wehe, Frank R., attorney....729 New Call bldg., San Francisco
Weil, A. L., attorney....Alaska Commercial bldg., San Francisco
Weiler, A. B., attorney....Alaska Commercial bldg., San Francisco
Weill, Michel D., merchant....The White House, San Francisco
Weinberger, Herman, attorney....1232 Merchants Ex. bldg., San Francisco
Weinshenk, Charles, wholesale jewelry....704 Market st., San Francisco
Weinstock, Harris, merchant....19 Presidio Terrace, San Francisco
Weinstock, Walter, treasurer, Weinstock-Nichols Co....19 Presidio Terrace, San Francisco
Weir, W. B., merchant....58 Sutter st., San Francisco
Weir, Walter W., assistant professor of soil technology, University of California, 320 Hilgard Hall, Berkeley, Cal.
Welch, R. M., banker, Mercantile Trust Co....464 California st., San Francisco
Weldon, R. D., Pacific Coast manager, American Surety Co....276 Bush st., San Francisco
Welles, Paul Irving, expert land appraiser....403 Chronicle bldg., San Francisco
Wellman, H. P., office expert....Oceanic bldg., San Francisco
Welty, Cullen F., physician....Shreve bldg., San Francisco
Wendling, G. X., lumber and box manufacturer....2665 Jones st., San Francisco
Wentworth, F. W., Library Bureau....539 Market st., San Francisco
Wentz, W. B., manager, Maryland Casualty Co....22 Leidesdorff st., San Francisco
Wenzelburger, A., certified public accountant....Foxcroft bldg., San Francisco
Werner, Frank, shoe merchant....874 Market st., San Francisco
Wernse, H. W., dredging and real estate....859 Monadnock bldg., San Francisco
Westfall, S. H., retired....550 Montgomery st., San Francisco
Weston, William B., farmer....Santa Clara, Cal.
Westover, Myron, attorney and exam., Cal. Railroad Commission, 919 Flood bldg., San Francisco
Wheatley, Henry, fruit grower and farmer....Napa, Cal.
Wheeler, Benjamin Ide, president emeritus....2425 Ridge Road, Berkeley, Cal.
Wheeler, Chas. S., attorney....Nevada Bank bldg., San Francisco
Wheeler, Frederic L., store manager....136 Geary st., San Francisco
Wheeler, F. R., retired....465 Lowell ave., Palo Alto, Cal.
Wheeler, R. S., director, public lectures for Board of Education, 166 Athol ave., Oakland, Cal.
Wheeler, Wm. M., timber lands....1110 Balfour bldg., San Francisco
Whicher, John, grand secretary, F. & A. M....918 Clayton st., San Francisco
Whipple, F. B., ice manufacturer....22 Battery st., San Francisco
Whipple, George H., physician....2085 Ninth ave., San Francisco
Whitcomb, Frank R., mining....Coulterville, Cal.
White, C. H., lumber merchant....5th and Brannan sts., San Francisco
White, Charles H., mining geologist....788 Mills bldg., San Francisco
White, C. L., secretary, Union Lumber Co....1012 Crocker bldg., San Francisco
White, Emile, capitalist....430 California st., San Francisco
White, Fillmore, dentist....133 Geary st., San Francisco
White, H. L., secretary, Industrial Accident Comm....525 Market st., San Francisco
White, J. E., attorney....833 Monadnock bldg., San Francisco
White, L. Carleton, accountant, Union Lumber Co....Fort Bragg, Cal.
White, Lynn T., professor of sociology, S. F. Theological Seminary....San Anselmo, Cal.
White, Ralston L., real estate....Mill Valley, Cal.
White, Thomas R., attorney....1062 Mills bldg., San Francisco
White, Walter H., insurance broker....430 California st., San Francisco
White, Z. W., president, White Lunch Co....122 Kearny st., San Francisco
Whiting, H. H., president, Best Steel Casting Co....Hobart bldg., San Francisco
Whiting, Randolph V., attorney....Monadnock bldg., San Francisco
Whitney, C. W., manufacturer's agent....915 Insurance Ex. bldg., San Francisco
Whitney, James L., physician....516 Sutter st., San Francisco
Whittle, A. W., assistant bank cashier, Savings Union Bank and Trust Co....San Francisco
Whittlesey, James T., consulting engineer....505 Claus Spreckels bldg., San Francisco
Whitton, Frederick, construction manager....369 Pine st., San Francisco
Whitton, John B., attorney....1300 Balfour bldg., San Francisco
Wickett, Frederick A., inspector of agencies, N. Y. Life Insurance Co., 307 Nevada Bank bldg., San Francisco
Wickson, E. J., professor of horticulture, University of California....Berkeley. Cal.
Wiel, Alfred L., shoe manufacturer....1500 Valencia st., San Francisco
Wiel, Harry I., physician....135 Stockton st., San Francisco
Wiel, Irvin J., attorney....709 Kohl bldg., San Francisco
Wiel, Samuel C., attorney....628 Merchants Ex. bldg., San Francisco
Wieland, Charles F., consulting engineer....703 Market st., San Francisco
Wilbur, Curtis D., associate justice, Supreme Court....Wells Fargo bldg., San Francisco
Wilbur, Ray Lyman, president....Stanford University, California
Wilcox, Dudley M., importer....251 West 93rd st., New York City, N. Y.
Wilcox, W. E., vice-president and cashier, Anglo & London Paris National Bank, Palace Hotel, San Francisco
Wildman, M. S., professor of economics....Stanford University, California
Wiley, A. A., lumber business....425 Call bldg., San Francisco
Wilhelm, George H., chief engineer, Peoples Water Co....9th and Broadway, Oakland, Cal.
Wilkins, B. S., attorney....105 Montgomery st., San Francisco
Williams, Francis, physician and surgeon....1211 Flood bldg., San Francisco
Williams, John Chilton, physician and surgeon....1267 O'Farrell st., San Francisco
Williams, J. W., chief engineer, N. W. P. R. R. Co....64 Pine st., San Francisco
Williams, Thomas S....693 Mission st., San Francisco
Williams, W. R., cashier....Bank of Italy, San Francisco
Williams, William R., secretary, State Railroad Commission....924 Flood bldg., San Francisco
Williamson, Chas H., insurance, average adjuster....322 California st., San Francisco
Williamson, John M., physician....209 Post st., San Francisco
Williamson, W. F., attorney....1112 Merchants Natl. Bank bldg., San Francisco
Williar, Henry R., merchant....260 California st., San Francisco
Willis, Bailey, professor of geology and consulting engineer, Stanford University, California

Willit, A., chartered accountant, Western States Life Ins. Co...995 Market st., San Francisco
Wills, B., insurance.....401 California st., San Francisco
Wilson, A. A., Park-Union Foreign Banking Corp.....230 California st., San Francisco
Wilson, A. W., capitalist.....1925 Gough st., San Francisco
Wilson, Edgar M., attorney.....1029 Mills bldg., San Francisco
Wilson, E. W.,Governor, Philippine National Bank .....Manila, P. I.
Wilson, Frederick A., manager, W. F. Wilson Co.....328 Mason st., San Francisco
Wilson, Harry B., superintendent of schools.....2133 Allston Way, Berkeley, Cal.
Wilson, John R., attorney.....Mills bldg., San Francisco
Wilson, Joseph E., U. S. Shipping Board.....369 Pine st., San Francisco
Wilson, R. N., sec., Agricultural Legislative Comm.....312 Ochsner bldg., Sacramento., Cal.
Wilson, W. J., Citizen Print Shop.....209 New High st., Los Angeles, Cal.
Winchester, Fred P., Pacific Coast manager, Rubberset Co.....682 Mission st., San Francisco
Windt, Henry, vice-president, Kullman, Salz & Co.....603 Wells Fargo bldg., San Francisco
Wing, C. B., professor of structural engineering.....Stanford University, California
Winn, A. H., Thompson Estate Co.....Holbrook bldg., San Francisco
Wirtner, John J., manufacturer's agent.....609 Wells Fargo bldg., San Francisco
Wise, Milton E., advertising manager, A. Shilling & Co.....301 Second st., San Francisco
Wolden, R. L., cashier, Assessor's Office.....City Hall, San Francisco
Wolf, George L., physician and surgeon.....4111 18th st., San Francisco
Wolf, J. W., proprietor, Zobel's Millinery.....23 Grant ave., San Francisco
Wolfe, F. W., assistant cashier.....Bank of California, San Francisco
Wolff, Alfred E., importer and exporter....212 American National Bank bldg., San Francisco
Wolff, Harry K., attorney.....405-9 Balfour bldg., San Francisco
Wolfsohn, J. Mast, physician, neurologist.....2335 Pacific ave., San Francisco
Wollenberg, C. M., supt., Relief Home for Aged and Infirm.....San Francisco
Wollner, William S., general safety agent, N. W. P. R. R.....64 Pine st., San Francisco
Wood, Andrew Y., editor "The Recorder".....689 Stevenson st., San Francisco
Wood, Casimir J., lumberman.....Hobart bldg., San Francisco
Wood, L. E., California Packing Corp.....101 California st., San Francisco
Wood, Percy A., tax expert.....Union Trust Co., San Francisco
Wood, Samuel A., real estate.....53 Presidio ave., San Francisco
Wood, W. H., lumberman.....807 Fife bldg., San Francisco
Woodbury, T. D., U. S. Forest Service.....Ferry bldg., San Francisco
Woodruff, Chas., secretary, W. P. Fuller & Co.....301 Mission st., San Francisco
Woodruff, Edwin D., land appraiser.....325 Maple st., San Francisco
Woodward, Frank J., land investments.....602 Federal Realty bldg., Oakland, Cal.
Woody, C. S., investment bonds.....224 American Natl. Bank bldg., San Francisco
Woolams, Leonard A., comptroller, Cal. Packing Corp.....101 California st., San Francisco
Wooley, M. Louis, div. mgr., Peet Bros. Mfg. Co.....6th and Carlton sts., West Berkeley, Cal.
Woolsey, W. E., banker.....Hotel Shattuck, Berkeley, Cal.
Wooster, J. F., optician.....236 Stockton st., San Francisco
Worden, L. G., banker.....Bank of Italy, Stockton, Cal.
Wormser, Paul, wholesale grocer, Sussman, Wormser & Co.....140 Spear st., San Francisco
Wormser, S. I., retired mechant.....216 Pine st., San Francisco
Worth, Bert. E., merchant, "The Juvenile".....130 Grant ave., San Francisco
Worth, Sidney, physician.....391 Sutter st., San Francisco
Wright, Allen G., attorney.....1019 Mills bldg., San Francisco
Wright, C. C., assistant secretary, Fireman's Fund Insurance Co.
401 California st., San Francisco
Wright, C. Irving, attorney.....Balfour bldg., San Francisco
Wright, Harold L., vice-pres. and sec., N. Gray & Co.....2190 Geary st., San Francisco
Wright, Harold W., physician.....Butler bldg., San Francisco
Wright, H. M., attorney.....706 Foxcroft bldg., San Francisco
Wulzen, D. H., druggist.....410 Castro st., San Francisco
Wunder, A. D., office manager, Cribben & Sexton Co., wholesale stoves,
Olympic Club, San Francisco
Wyatt, James S., mining engineer.....Sausalito, Cal.
Wyckoff, A. C., real estate.....335 Holbrook bldg., San Francisco
Wyman, Oliver B., attorney.....417 Market st., San Francisco
Wymore, William W., physician.....Medical bldg., San Francisco
Wythe, Fred S., educational motion pictures.....437 Sutter st., San Francisco
Yada, S., consul general of Japan.....22 Battery st., San Francisco
Yates, Albert E., dry goods, The White House.....San Francisco
Yates, Charles M., paint manufacturer.....762 Folsom st., San Francisco
Yerington, H. H., physician.....Stanford University Hospital, San Francisco
Young, C. C., lieutenant governor, Mason McDuffie Co.....278 Post st., San Francisco
Young, Garnett, treasurer and general manager, Garnett Young & Co.,
612 Howard st., San Francisco
Young, George J., mining and metallurgical engineer, Western editor Eng. & Mining Journal,
Rialto bldg., San Francisco
Young, John P., journalist.....Chronicle bldg., San Francisco
Young, William R. K., merchant.....230 California st., San Francisco
Zadig, Herman, stock broker.....365 Bush st., San Francisco
Zane, Franklin A., secretary, Pacific Coast Casualty Co.....Insurance Ex. bldg., San Francisco
Zeile, Edward G., proprietor, Sea Wall Bonded Warehouse.....1501 Sansome st., San Francisco
Zemansky, J. H., registrar of elections.....City Hall, San Francisco
Ziegler, S. L., Zellerbach Paper Co.....534 Battery st., San Francisco
Zimmerman, George A., vice-president, So. S. F. Packing and Promotion Co.,
2409 Howard st., San Francisco
Zuckerman, Herbert G., shipper of potatoes and onions.....216 Drumm st., San Francisco
Zumwalt, Fred H., physician and surgeon.....135 Stockton st., San Francisco
Zumwalt, I. G., attorney.....Box 148, Colusa, Cal.
Zumwalt, R. S., physician.....68 Bartlett st., San Francisco

Privilege Cards

Beach, E. L., Captain, U. S. N., Commandant.....Mare Island Navy Yard, Vallejo, Cal.
Bertholf, Wallace, Commander U. S. N.....Sheldon bldg., San Francisco
Burnham, W. T., Colonel, U. S. A.....Commander, Fort McDowell, Angel Island, Cal.
De Valle Cav. Uff Oreste, Consul General of Italy.....Bank of Italy bldg., San Francisco
Giraud, Gaston, Com'l Attache, French Indo-China.....110 Sutter st., San Francisco
Glassford, Wm. A., Commander U. S. N.....Hotel Fairmont, San Francisco
Halstead, A. S., Rear Admiral U. S. N., Commandant, 12th Naval Dist., Sheldon bldg., San Francisco
Huidobro, Marcos G., Consul of Chile.....268 Market st., San Francisco
Liggett, Hunter, Lieutenant-General, U. S. A., Commanding Western Division, 601 Market st., San Francisco
Lowndes, E. R., Major, U. S. A.....2917 Benvenue ave., Berkeley, Cal.
Lunn, Ove., Consul of Denmark.....Mills bldg., San Francisco
McDonald, John B., Colonel, U. S. A.....Alcatraz Island, Cal.
Munkhouse, A. O'Gorman, British Vice Consul.....268 Market st., San Francisco
Neltner, J., Consul General of France.....110 Sutter st., San Francisco
Noble, R. H., Colonel, U. S. A.....601 Market st., San Francisco
Pindor, Karol, Consul for Poland.....Hotel Plaza, San Francisco
Potter, Chas. L., Colonel, U. S. A.....414 Custom House, San Francisco
Price, H. B., Captain, U. S. N., Commandant, U. S. Naval Training Station, Yerba Buena Island, Cal.
Ross, A. Carnegie, H. B. M. Consul General.....268 Market st., San Francisco
Simon, Jules, Consul of Belgium.....110 Sutter st., San Francisco
Wallerstedt, Carl E., Consul of Sweden.....244 Kearny st., San Francisco

Leaves of Absence

	LEAVE EXPIRES
Abrahamson, Henry, real estate	July 1, 1921
Allen, Lewis W., surgeon	July 1, 1921
Baker, John Earl, adviser, Ministry of Communications, Division of Railway Accounts and Statistics, Peking, China	April 1, 1921
Barnes, William G., manager	Jan. 1, 1922
Beasly, William A., attorney	Jan. 1, 1922
Behlow, William Wallace, physician	April 1, 1921
Bell, H. H., minister	Jan. 1, 1922
Benzeman, C. M., merchant	April 1, 1922
Brothers, Chas. S., attorney	Jan. 1, 1922
Cadwalader, B. L., attorney, army officer	Oct. 1, 1921
Cates, Dudley, attorney	April 1, 1921
Chamberlain, Thomas G., attorney	Jan. 1, 1922
Converse, George N., physician	July 1, 1921
Cottrell, Frederick G., professor of chemistry	Jan. 1, 1922
Coxhead, Almeric, architect	July 1, 1921
Coxhead, Ralph C., salesman	April 1, 1921
Crow, Carl, publisher	Jan. 1, 1922
Cumming, James G., physician	Oct 1, 1921
Esterly, Calvin, teachers agency	July 1, 1921
Ferguson, James C. H., importer and exporter	April 1, 1921
Gallaher, W. H., forest service	July 1, 1921
Giannini, Attilio H., banker	April 1, 1921
Hanly, R. E., advertising manager	April 1, 1921
Hart, Henry H., attorney	July 1, 1921
Hooper, Charles W., physician	Jan. 1, 1922
Hotchkiss, C. B., accountant	April 1, 1921
Hunter, William Boyd, attorney	Oct. 1, 1921
Huntington, R. J., merchant	April 1, 1921
Hutchinson, Lincoln, professor	Jan. 1, 1922
Jablons, Benjamin, physician	April 1, 1921
Kahn, Julius, member of Congress	Jan. 1, 1922
Karri-Davis, W., engineer	Jan. 1, 1922
Knox, S. L. G., engineer	July 1, 1921
Koster, Henry A., manufacturer	Jan. 1, 1922
Lilienthal, Theo. M., exporter	July 1, 1921
Lively, D. O., live stock raiser and dealer	July 1, 1921
Long, Melville H., physician and surgeon	April 1, 1921
Macbeth, Frank D., attorney	Jan. 1, 1922
McCarl, F. A., international secretary, Y. M. C. A.	Jan. 1, 1922
McCauley, Thomas N., mining properties	Jan. 1, 1922
Minch, Walter C., mining	Jan. 1, 1922
Moore, Charles L., Jr., insurance and bonds	July 1, 1921
Morton, Frank W., teacher	July 1, 1921
Oliver, Harry R., physician	April 1, 1921
Parker, Thomas D., retiring naval officer	Jan. 1, 1922
Peixotto, Eustace M., army officer	Jan. 1, 1922
Pierce, Russell, public accountant	April 1, 1921
Pomeroy, John N., professor of law	July 1, 1921
Requa, Mark L., mining	July 1, 1921
Reynolds, L. R.	April 1, 1921
Rosenstirn, Julius, physician	April 1, 1921
Sealby, Inman, attorney	Jan. 1, 1922
Shepard, A. D., real estate	Oct. 1, 1921
Shortridge, Samuel M., attorney, U. S. Senator	April 1, 1922

Simons, Seward C., merchant.....Jan. 1, 1922
Teele, R. P., irrigation economist.....Oct. 1, 1921
Tucker, George E., physician and surgeon.....April 1, 1921
West, Victor J., professor of political science.....Oct. 1, 1921
Wheeler, William R., oil.....April 1, 1921
White, J. Gustav, Y. M. C. A. secretary.....Jan. 1, 1922
Williams, John Marshall, contracting engineer.....April 1, 1921
Winterhalter, W. K., consulting agriculturist.....April 1, 1921

Died in 1920

The Club regrets to announce that in the past year it lost by death the honored members whose names follow:

S. Bloom ..... January, 1920
L. H. Greenhood ..... January, 1920
B. J. Smith ..... January, 1920
William H. Cunningham ..... February, 1920
James A. Geddes ..... February, 1920
M. S. Kohlberg ..... February, 1920
A. C. Richards ..... February, 1920
H. W. Yemans ..... February, 1920
Douglas Erskine ..... March, 1920
J. C. Zellerbach ..... March, 1920
J. Henry Barbat ..... April, 1920
C. N. Felton ..... April, 1920
H. A. Melvin ..... April, 1920
Percy T. Morgan ..... April, 1920
N. J. Prendergast ..... April, 1920
F. Thieriot ..... April, 1920
Harry Durbrow ..... May, 1920
I. W. Hellman, Jr. ..... May, 1920
D. M. Gandier ..... June, 1920
Frank H. Short ..... June, 1920
A. L. Reed ..... August, 1920
Sam B. Stoy ..... August, 1920
C. A. Woodruff ..... August, 1920
L. A. Milligan ..... September, 1920
Jacob Goldberg ..... September, 1920
W. W. Alverson ..... October, 1920
Murray Warner ..... October, 1920
W. C. Graves ..... November, 1920
H. M. Leggett ..... November, 1920
Curtis H. Lindley ..... November, 1920
Frank H. Powers ..... November, 1920
A. W. Hoisholt ..... December, 1920
Raphael Weill ..... December, 1920
H. K. Fletcher ..... January, 1921
Wm. C. Savage ..... January, 1921
T. Schussler ..... January, 1921
S. J. Kramer ..... January, 1921
Geo. D. Toy ..... January, 1921
Gustav Wormser ..... February, 1921
J. C. Egeberg ..... March, 1921